

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

OCTOBER 1, 1998

**THOMAS M. GATTLE, JR.
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
and are not a verbatim transcript of the proceedings.

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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808
For more information, call (504) 765-2806

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
OCTOBER 1, 1998

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, October 1, 1998

Chairman Tom Gattle presiding.

Bill Busbice
Danny Babin
Glynn Carver
Tom Kelly
Norman McCall

Secretary James Jenkins, Jr. was also present.

Commissioner Jerald Hanchey was absent from the meeting.

Chairman Gattle called for a motion for approval of the **September 3, 1998 Commission Minutes**. A motion for approval was made by Commissioner Babin and seconded by Commissioner Carver. The motion passed with no opposition.

Presentation of Artificial Reef Check to Department by Union Pacific Resources was handled by Mr. Rick Kasprzak. He began stating this donation was from Union Pacific's ship shoal 251 jacket and represents the 75th platform accepted by the Department. The Artificial Reef Program was designed to maintain fishery habitat in the State of Louisiana. Approximately 50 to 70 percent more fish are found around these reefs than nearby soft bottoms in the Gulf of Mexico. A check in the amount of \$87,828.50 will be used in monitoring and maintaining the reef. Mr. Kasprzak introduced Ms. Kathy Hagan and Ms. Gaylene Ryan of Union Pacific to present the check to Secretary Jenkins on behalf of the Department. One of the representatives from Union Pacific stated they were proud to be part of this Program. She then thanked Secretary Jenkins for the Department's time and the ability to present the check. Secretary Jenkins thanked Union Pacific for the check. Chairman Gattle also thanked Union Pacific on behalf of the Commission for the donation.

West Bay WMA - Recognition of 50 Year Anniversary, Boise Cascade Corp. began with Mr. Dave Morrison stating the wildlife management areas has reached a significant milestone. The year 1998 marks the 50th year of existence for West Bay WMA and the milestone was to be marked by recognizing Boise Cascade Corporation. Mr. Morrison provided background information on the wildlife management area system. There are 49 tracts in Louisiana that are WMAs which encompasses 1,169,000 acres. These areas are established to protect the natural resources of the State and provide areas for public recreation in the form of hunting,

fishing, camping, bird watching, etc. The land acquisition program has gained approximately 497,000 acres in property the Department actually owns. An additional 379,000 acres are provided by local, state and federal agencies and the remaining 294,000 acres are provided from private landowners and corporate timber companies. In 1948, West Bay WMA began when the Department leased most of the 18,000 acres from Industrial Lumber Company and today this company is known as Boise Cascade. In the early 1960's, over 30,000 acres were added to West Bay and then in the late 1980's, additional acreage was included. The total acreage currently for West Bay WMA is 62,000 acres. Boise Cascade not only provides land at West Bay WMA, but also at Boise-Vernon WMA in Vernon Parish and the Sabine WMA near Many, Louisiana. A single lease agreement is in existence for all three areas, stated Mr. Morrison. The five year agreement, renewed annually, allows the Department to plan for long-term projects without fear of losing the lease. The lands provided are given free of charge by Boise Cascade. Some of the direct benefits Boise Cascade receives from the Department includes a full-time employee, road maintenance is handled to a certain extent and day to day upkeep of the property. Mr. Morrison then introduced representatives from Boise Cascade - Mr. Tom Harris, Environmental and Wildlife Manager, Mr. Danny Smith, Land Management Administrator, Mr. Joe Pecorney, Area Manager for the Elizabeth area, and Ms. Debra Jordan, Regional Communications Manager. He then presented a plaque to Mr. Harris on behalf of the Department.

Mr. Harris stated it was an honor to be at the Meeting to accept the plaque. Boise Cascade has enjoyed a long tenure with the Department and looks forward to many years in the future. Mr. Harris stated he brought leases for Secretary Jenkins to sign. Mr. Morrison stated, a synopsis on West Bay was included in each Commissioner's packet. Chairman Gattle expressed his appreciation for allowing the Department to use their property and looks forward to the continuing relationship.

Mr. Robert Love handled the next agenda item, **Little River WMA Expansion**. Little River is located just above Alexandria in the central part of the State and was originally acquired in the fall of 1989 from the Department of Transportation and Development. The 2,944 acres was given to DOTD as mitigation for I-49 and other road projects and is considered wetlands. Upon acquiring the WMA, there was limited utility and management ability and so a project was undertaken to enhance the area. In the fall of 1995, 2 parcels of about 190 acres were acquired and then in August 1998, an additional 710 acres were acquired from International Paper. Also, International Paper has given the Department a free lease on 888 acres to enroll into a WMA. Mr. Love explained the benefits of the expansion. He then stated he was proud and thankful for the cooperation by International Paper. Future acquisitions within the area is being planned, stated Mr. Love. He then introduced Mr. John Weston of International Paper.

Mr. Weston stated it was a privilege working with the Department on several projects. He then expressed congratulations to Boise Cascade for their 50 year accomplishment. Mr. Weston concluded stating he looked forward to working with the Department in future endeavors.

A Notice of Intent on Seismic Regulations began with Ms. Karen Foote introducing Ms. Heather Finley. Ms. Finley began stating this proposed rule was the result of a Commission resolution passed in December 1996. Public input was received from both fishermen and seismic contractors on problems of conflicts and in particular 3D seismic. Several large meetings with shrimpers and seismic contractors have been held to explain their problems. A joint work group consisting of seismic industry, oil and gas industry, environmental groups and fishermen met and came up with a lot of good ideas. The results of these meetings are what is proposed in the Notice of Intent, stated Ms. Finley. The proposed rule includes pre-project meetings, tagging of equipment and site clearance, a new kind of shooting array, insurance requirements and appeals process for the contractors. If approved, the Notice of Intent would be published in the October State Register and public comments would be accepted until December 4. Chairman Gattle asked Ms. Finley to read the Therefore Be It Resolved portion of the Resolution.

Mr. Tommy Millner, Supervising Attorney with the Tulane Environmental Law Clinic, stated his support for the proposed rule. The proposal is a fair accommodation between business, environment and fishermen. He then commended Secretary Jenkins, Assistant Secretary Roussel and Ms. Finley for conducting a fair, open process by bringing all interested parties together and listening to their concerns and coming up with a product everyone can be proud of. Mr. Millner thought this was a model the Department should follow in the future if they do not already.

Ms. Marilyn Rotolo, Louisiana Seafood Management Council, stated there are only two net seasons left for commercial fishermen. She asked the Commission to consider closing for 90 days the seismic activity during the pompano season.

Chairman Gattle stated he learned a lot about seismic over the last 3 months and has been extremely impressed with the way the Department handled the process. He also felt every effort has been made to make this proposed rule a good regulation. Commissioner McCall made a motion to adopt the Resolution and it was seconded by Commissioner Busbice. The motion passed with no opposition.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

RESOLUTION

SEISMIC EXPLORATION REGULATION

October 1, 1998

WHEREAS, the Louisiana Wildlife and Fisheries Commission supervises and controls the wildlife of the state, including all aquatic life, and

WHEREAS, the Department of Wildlife and Fisheries and the Commission regulate how seismic activity in Louisiana will be accomplished in order to protect and conserve wildlife and fishery resources, and

WHEREAS, 3D seismic exploration activity involves more intensive activity in state waters, coastal wetlands, and other sensitive habitats than does 2D seismic exploration activity, and

WHEREAS, the Commission has been petitioned by the public of the state to review the regulation of seismic activity to improve protection of wildlife and fishery resources.

THEREFORE BE IT RESOLVED, that the Commission hereby promulgates a Notice of Intent to amend and update the rules regarding seismic exploration, and

THEREFORE BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:I.301) regulating seismic exploration and repeal a Rule (LAC 76:I.303) on permits. Authority for adoption of this Rule is included in R.S. 30:214 and R.S. 36:609. This notice is given pursuant to the Administrative Procedure Act, R.S. 49:950 et seq.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

§301. Regulations

A. Definitions

Cultivation--any human activity the purpose of which is to enhance the production of oysters.

Oyster Areas--those areas of coastal Louisiana which are capable of supporting natural or cultivated oyster populations.

Oyster Bed--an oyster reef or a waterbottom on which oysters are actively being cultivated.

Oyster Reef--a discrete, clearly distinguishable structure which a) has been formed primarily by living oysters and other organisms, b) is not necessarily currently supporting live oysters, c) at least a portion of which must be above the mud line, (i.e. not covered by mud or silt), and d) may support live oysters as a result of normal hydrological fluctuations.

B. In order to protect, conserve, and replenish the wildlife of the state of Louisiana, including all aquatic life, and pursuant to the authority conferred by Article IX, Section 7 of the Louisiana Constitution of 1974, R.S. 30:214 et seq. and R.S. 36:609; the following rules shall from and after promulgation date, govern any exploration work involving the discharge of explosives and other energy sources in the state of Louisiana for geophysical exploration.

1. The Wildlife and Fisheries Commission, pursuant to its constitutional and statutory authority, hereby designates how geophysical exploration work shall be conducted insofar as it relates to the fish, seafood, aquatic life, oysters, wildlife and waterbottoms of the state. No geophysical exploration work shall commence without the approval of the Secretary of the Department or his designee. The Department of Wildlife and Fisheries, Marine Fisheries Division, Seismic Section is hereby authorized and directed to enforce and administer these regulations with full power and authority to take all appropriate actions to ensure proper administration and compliance.

2. Application(s) for permission to operate shall be made by letter giving the names of the parishes where the geophysical exploration is to be conducted. Written permission to operate shall be valid for a period of one year from date of approval, unless otherwise specified. In order to obtain and maintain permission to operate, an applicant shall furnish the Department a surety bond in the amount of \$75,000 from a bonding company licensed to do business in the state of Louisiana and to whom A.M. Best and Company has given an "B+/7" or better rating. Bond forms may be obtained from the Seismic Section. The bond shall be filed by the applicant prior to issuance of any permission to operate. Said bond shall guarantee payment of all shot hole fees and mileage fees, inspector fees, all compensation for damage to public lands, and waterbottoms (including, without limitation, damages for failure to remove equipment and trash), oysters, fish and other aquatic life, and/or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said applicant may be legally liable, and which may be suffered by the state of Louisiana. The bond shall also guarantee any and all fees in whole and in part for services rendered by the Department and its offices in accordance with regulations of the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission and all applicable penalties, and any other liabilities to the state of Louisiana incurred by the applicant during the geophysical operations. Applicants must also supply the Seismic Section with proof of general liability insurance in the amount of \$1,000,000. The policy must be issued by an insurer approved by the Department, and specifically cover all damage to land, waterbottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way, and other structures for which Permittee may be legally liable. In addition, Permittees applying for a renewal of the letter of permission to operate must have demonstrated a record of sound business practices by making timely payments of seismic fees to the Department, and by being in complete compliance with the Department's regulations including those regulations requiring notifications and timely submission of seismic exploration data daily reports.

3. The Department may, after ten working days written notice to Permittee, suspend or cancel the seismic letter of permission to operate granted pursuant hereto for failure by the Permittee, to make timely payment to the Department for obligations owed to the state of Louisiana for the following:

- a. any adjusted shot hole fees and mileage fees;
- b. any compensation for damage to public lands, waterbottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said Permittee may be legally liable;

c. any fees for services rendered by LDWF personnel in overseeing geophysical exploration;

d. any applicable penalties.

e. the Permittee shall be entitled to a hearing upon written request, made within the 10 working day notice period, to the Secretary or his designee, to review the circumstances prompting the Department to suspend or cancel his letter of permission to operate. This hearing shall be held as soon as practicable.

4. Permittees shall submit a 1:24,000 scale map showing, at a minimum, the outline of the project for comparison with Department databases of threatened, endangered, or sensitive wildlife and fisheries resources and a similar map on an 8.5" x 11" page. Permittees shall notify the Seismic Section before beginning any geophysical exploration on a "Notification of Beginning of Seismic Operations" furnished by the Seismic Section. The Permittee shall provide the Department with the names and telephone numbers of appropriate designated contact persons. The "Notification of Beginning of Seismic Operations" shall be accompanied by a map on an 8.5" x 11" page showing the outline of the project or line. The Permittee also shall furnish the Seismic Section with a certified copy of the information filed with the appropriate parish clerk of court in accordance with R.S. 30:217. The Permittee shall submit notification to the Seismic Section of interruption or cessation of work. If a change in the prospect or line is necessary, the Permittee will provide a new plat indicating the change. If a change on the prospect or line affects different properties, or leasehold interests, the Permittee will provide a new plat indicating the new prospect or line, and no work will begin until this change has been furnished to the Seismic Section and the Seismic Section has reviewed it with regard to threatened, endangered, or sensitive wildlife and fisheries resources. The granting of permission to operate does not give the Permittee the right to trespass on, or conduct activities on private properties, nor does it relieve the Permittee of the responsibility for damages to private property.

5. A Permittee shall organize a pre-project meeting with the appropriate government agencies, property owners, lessees, residents, and other interested parties in the area of the proposed project. Notice of the meeting shall be advertised in the newspapers or journals designated for legal notices in the geographic areas in which geophysical survey operations are to be conducted. Additional notices should be posted in or on appropriate public places in the area of operations. All such notices shall be issued at a reasonable time before the scheduled meeting and before commencement of geophysical operations. Maps, as provided to the Seismic Section in connection with the Notification of Beginning of Seismic Operations and information

designating the Permittee's contact persons during the geophysical operations, shall be made available to the public for review at this meeting.

C. Each geophysical exploration crew working in the state of Louisiana shall always be under the supervision of the Seismic Section. A Seismic Inspector may be present during the shooting operations of the Permittee to which he or she is assigned.

1. The Seismic Section representative shall have access to all records, including without limitation, shot point location maps, and shooters' logs and tracings, but only to the extent necessary to determine compliance with these regulations. Any and all proprietary or confidential information viewed or obtained by any Seismic Section representative or Seismic Inspector shall be maintained in strict confidence as mandated for disclosures of seismic data under R.S. 30:215. No Permittee shall be required to submit to the Department any document or thing containing such confidential, proprietary information, if such document would, thereby, become a public record.

2. The party chief or party manager shall instruct the members of his party as to the requirements of these rules and regulations, and to the duty and authority of the Seismic Section and the Seismic Inspector.

3. The party chief or party manager shall furnish the Seismic Section's representative with whatever reasonable and appropriate transportation is needed to allow him to visit the working areas and shall transport the Seismic Section's representative to whatever locations he or she requests. The Department acknowledges that, when the Permittee is providing transportation for the Seismic Inspector or other representative of the Department under these regulations or other applicable law, that the Permittee is fulfilling a state mandated function and shall not be responsible, in any way, for any decisions, instructions, actions, or omissions of such Seismic Inspector or other Department representative.

4. The Seismic Inspector has the right to suspend any particular operation (e.g., surveying, drilling, shooting, or picking up equipment) or any portion of an operation, if it violates the Seismic Section's rules and regulations.

a. Written notice of violations shall be provided to the Permittee's designated contact person as soon as practicable. Corrective action taken by the Permittee and approved by the Seismic Section should dissolve the order for suspension issued by the Seismic Inspector.

b. The Permittee may request a hearing from the Secretary or his designee to review the circumstances of any

suspension of geophysical survey activities. This hearing shall be convened as soon as practicable, but in any event within ten working days after the written request for a hearing. The Department shall provide the Permittee with due notice and the opportunity to participate.

5. The Department recognizes that conflicts may arise from time to time between parties regarding access to and use of public waters, waterbottoms, public lands and natural resources. In the event that such conflicts cannot be otherwise resolved, the Department may, at the discretion of the Secretary or his designee, restrict, regulate, or suspend such potentially or actually conflicting activities as may be necessary to provide reasonable and safe access to said public resources. The Department shall provide the Permittee's designated contact person at least five working days written notice prior to any suspension, restriction, or regulation of geophysical survey operations due to user conflicts. The Permittee may request a hearing from the Secretary or his designee to review the circumstances of the Department's restriction, regulation or suspension of geophysical activities. This hearing shall be convened as soon as practicable, but at any event within ten working days after written request for a hearing. The Department shall provide all interested parties with due notice and opportunity to participate.

6. No Seismic Inspector shall have the right to release any Permittee from the obligations imposed by these rules and regulations. Variances from these regulations may be granted by the Department only after written application by the Permittee setting forth reasons therefore. The release, signed by the Secretary or his designee, will designate the particular area and rule affected, and the procedures to be followed in lieu of any established rule. The Secretary or his designee may provide this information to appropriate interested parties upon request.

D. The Permittee must make a separate report for each day, whether or not shooting is in progress. Daily reports must furnish complete information as indicated by the report form, and must be signed by the party chief or party manager.

E. No geophysical exploration work shall be conducted on any wildlife refuge, waterfowl refuge, scenic river or stream, game preserve, fish preserve or hatchery, or oyster seed ground reservation without written permission from the Department through the division in charge of such refuge, preserve, river, stream, hatchery or reservation. While operating on any wildlife refuge, waterfowl refuge, scenic river, stream, game preserve, fish preserve or hatchery or oyster seed ground or reservation, the Permittee must abide by all rules and regulations of said area, in addition to these seismic regulations to the extent they apply.

F. Boats, marsh buggies, airboats, or other types of marsh vehicles, when used, must be used so as to cause the minimum disturbance or damage to the lands, waterbottoms, and wildlife and fisheries resources thereon. When working on wildlife management areas, wildlife refuges, scenic rivers, streams, fish preserves or hatcheries, or public oyster seed grounds or reservations, the Permittee will coordinate with the supervisor in charge of the area as to rules of the area. Rules, regulations and fees may vary from one such area to another.

G. No marsh buggies shall have contact with any oyster reef or bed, including state-owned natural reefs, nor shall any explosives or other energy sources be discharged within 250 feet of any oyster reef or bed, including any state-owned natural reefs, without permission from the lessee of the reef or bed, and the Department. The Seismic Section will review all projects in designated public oyster seed grounds and reservations.

H. Geophysical Permittees are required to furnish an oyster lease plat to each affected oyster lessee showing the proposed number of shot points on line and their proposed location. Geophysical Permittees are required to furnish notice to oyster lease applicants of the proposed crossing of waterbottoms for which said applicant has applied for an oyster lease, provided said application(s) has been plotted on the Departments map(s).

I. All pipe used in geophysical operations must be removed to at least six feet below the surface of the ground, or six feet below the bottom in water areas, before finally leaving the shotpoint. No pipes shall be left unattended on land or in water.

J. All parties using pipe in water areas must have clearly welded or stamped at each end of each joint the name or abbreviation of the name of the Permittee using the pipe. All equipment including cables, boxes, geophones, staff poles, anchors, buoys, etc., must be permanently tagged with the name of the Permittee. All 2 x 2's used for survey lines must be clearly stamped with the name of the Permittee using the stakes at approximately three-foot intervals. These stakes must be removed immediately upon completion of the project. All cane poles must be removed immediately upon completion of the project. Anchors shall be marked, stamped, or tagged to identify the Permittee who deployed them, and shall be secured to an appropriately marked buoy, vessel, or float.

K. Permittees shall comply with the U.S. Coast Guard and/or the U.S. Army Corps of Engineers' rules and regulations for marking and lighting material and/or equipment in navigable waters. In addition, all survey buoys used in geophysical operations should be colored fluorescent green to mark receivers, and fluorescent red to mark the source line or shot line as well as show the name of the

Permittee. All such floats in areas of seismic operations shall use floating line.

L. No explosives shall be discharged knowingly within 1,000 feet of a boat without notice being given to such boat so that it may move from the area.

M. Persistent gas and water discharges caused by drilling or shooting operations of seismic crews will be stopped immediately by the Permittee.

N. Explosive charges or multiple charges in the same shot hole in excess of 50 pounds shall not be used except pursuant to express written authorization from the Secretary or his designee. Requests for the use of such charges and other variances from the charge sizes, hole depths, and/or setback requirements must be made in writing, giving the reasons why such charges are needed, the particulars of charge sizes, hole depths, patterns of deployment, and setback from potentially sensitive environments. Such requests should be addressed to the Seismic Section. Variances shall not be unreasonably withheld or delayed. All documents submitted to the Seismic Section in connection with requests for variances shall be public records; therefore, any confidential proprietary information required for review of a variance request may be submitted orally or by demonstrative presentation referenced in the written application, but the underlying confidential information shall not be disclosed in the written request filed with the Department. The Permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to requested variances, as set forth in §301.C.4.b. above. The Secretary or his designee may provide this information to appropriate interested parties upon request.

O. 1. Minimum required depth of charges shall be as follows for shots detonated in holes:

| a. Weight of charge | Minimum required depth |
|---------------------|------------------------|
| 1 pound or less | 10 feet |

Charges of 1 pound or less may only be used in upland areas. In addition, the hole must be tamped before shooting and the charge must be shot on the same day it is placed.

| | |
|------------------------------|----------|
| Between 1 pound and 2 pounds | 25 feet |
| 2 pounds up to 5 pounds | 40 feet |
| 5 pounds up to 20 pounds | 60 feet |
| 20 pounds up to 30 pounds | 70 feet |
| 30 pounds up to 40 pounds | 100 feet |
| 40 pounds up to 50 pounds | 120 feet |

No part of the charge shall be above minimum required depth.

2. The use of suspended charges as energy sources is prohibited unless a variance is granted by the Secretary or his designee. If permitted, the Secretary or his designee shall then set forth requirements to minimize the effect on wildlife and fisheries resources.

P. Detonation of seismic explosive charges will be allowed only during daylight hours. Variances to this rule may be requested as set forth in §301.N. Permittees shall notify the Seismic Section of 24 hour airgun operations prior to beginning such operations. The Department may, after review of the details of such night operations and areas affected thereby, impose additional restrictions, regulations or requirements upon such operations as may be reasonable and necessary for the protection of public waters, waterbottoms, lands, and wildlife. No shooting will be allowed in heavy fog. The Permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to night operations and weather conditions, as provided for in §301.C.4.b. above.

Q. In accordance with good industry practice, Permittee shall, after drilling and loading shot holes, backfill holes with cuttings or another material authorized by the Department, and place the shot hole plug near the surface to avoid wash-in.

R. All equipment including boxes, cables, staff poles, poles, anchors, etc., must be cleared from project areas before the Permittee leaves the area. The Permittee shall confirm in writing to the Seismic Section that all its equipment, materials, and refuse have been cleared from the project area. Said letter of confirmation shall be a public record. Variances from this rule may be granted by the Department if accompanied by a written request from an affected landowner or agency. The Secretary or his designee may provide this information to appropriate interested parties upon request.

S. A fee of \$135 per day will be charged to geophysical Permittees. This fee will be reviewed each January. All payments will be made by the Permittees directly to the Department on or before the fifteenth of each month. No payments are to be made to the Seismic Inspectors. Seismic Inspectors shall make and the Seismic Section shall maintain written records of the Inspectors' work in connection with each geophysical project, identifying the date, time, location, nature of the inspector's work, and the Permittee involved.

T. Permittees making application to work on any designated oyster seed ground or reservation designated by the state of Louisiana as specified in R.S. 56:434 and 435; and LAC Title 76

will be required to pay the following fees in addition to the supervisory fees: \$100 per shot hole, or \$1,000 per linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1,000 per linear mile in water depths less than or equal to five feet; \$400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$200 per linear mile in water depths greater than 10 feet; or, for 3D airgun surveys: \$12,500 per square mile in water depths less than or equal to five feet; \$5,000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$2,500 per square mile in water depths greater than 10 feet. All of these fees are to be paid in advance. All fees will be reviewed each January. It is the intention of the Wildlife and Fisheries Commission and the Department to use any fees collected pursuant to this rule to plant shells for oyster cultch, to rehabilitate areas damaged by operations and as mitigation for any other damages to the coastal area.

U. All geophysical Permittees conducting operations shall exercise reasonable precaution and act in accordance with approved and accepted methods to prevent destruction of, or injury to the fish, oysters, shrimp and other aquatic life, wildlife or other living natural resources of the state of Louisiana, or their habitats.

V. Any violation of these or other rules promulgated by the Commission or the Department for the regulation of geophysical operations, or the refusal of any Permittee or its employees to comply fully with all orders and requirements which may be made by authorized personnel of the Department at the time the exploration is conducted, or any attempt to unduly influence any Seismic Inspector to abstain from the enforcement of these regulations shall constitute cause for suspension or cancellation of the "permission to operate", cessation of all exploration work, and disqualification of the party chief, party manager, field manager, and/or the Permittee involved from future operations in this state. The Permittee may request a hearing from the Secretary or his designee to review the particular circumstances prompting the Department to suspend or cancel his letter of permission to operate per the provisions of §301.C.4.b.

W. These rules and regulations supersede all other rules and regulations issued prior to this date, and are subject to change by the Department and the Wildlife and Fisheries Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), LR 18:509 (May 1992), LR .

§303. Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1987), amended LR 10:410 (May 1984), repealed LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and the final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Heather Warner Finley, Seismic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 prior to 4 December 1998.

Thomas M. Gattle, Jr.
Chairman

A Resolution Providing Secretarial Authority to Reopen Red Snapper Recreational Season and Set New Closure Date was handled by Mr. Harry Blanchet. At the last Commission Meeting, the harvest of recreational red snapper was discussed and it was projected the fishery had obtained its quota. The National Marine Fisheries Service will soon be receiving direct estimates of the snapper harvest. If it is found there is a substantial underrun in the harvest, there may be a reopening of the recreational season for a short period of time. Mr. Blanchet felt giving the Secretary authority, by resolution, to reopen the season in Louisiana waters if it opens in federal waters would be prudent. He then read the Therefore Be It Resolved portion of the Resolution.

Ms. Marilyn Rotolo, Louisiana Seafood Management Council, stated the Council supports the Resolution but stressed the importance of carefully watching the quota and close it immediately upon it being reached.

Chairman Gattle asked if the commercial fishery was still open? Mr. Blanchet stated it would open October 1, 1998. Then the Chairman asked if it would open again in November if the quota was not reached? Mr. Blanchet stated yes. Commissioner Babin asked if this would occur only if National Marine Fisheries Service deemed it necessary to open federal waters? Mr. Blanchet stated yes. Commissioner Babin made a motion to adopt the Resolution.

Commissioner Kelly seconded the Resolution and it passed with no opposition.

(The full text of the Resolution is made a part of the record.)

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON REGULATION

October 1, 1998

- WHEREAS,** the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS,** regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS,** NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS,** the 1998 recreational quota for red snapper in the Gulf of Mexico was set at 4.47 million pounds, and
- WHEREAS,** the best information available at the time indicated that the recreational sector was projected to have harvested their quota by September 30, 1998, and
- WHEREAS,** offshore waters were abnormally rough during the month of September and fishing opportunities may have been limited more than expected, and
- WHEREAS,** NMFS has closed the recreational fishing season for red snapper effective 12:01 a.m., September 30, 1998 through December 31, 1998 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and
- WHEREAS,** the Wildlife and Fisheries Commission has enacted a closure in Louisiana state waters consistent with the EEZ closure, and

WHEREAS, NMFS will be obtaining additional data on the estimated harvest of red snapper by the recreational fishery, and

WHEREAS, in the course of review of that data, NMFS may determine that the recreational quota had not been reached within the time projected for it to be reached, and

WHEREAS, it is possible that, if the recreational quota has not been harvested, NMFS may re-open the recreational red snapper season for some period of time in order to allow the remainder of the quota to be taken, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish.

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open an additional recreational red snapper season in Louisiana state waters if he is informed that National Marine Fisheries Service has opened an additional season and to close such season when he is informed that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate such an emergency rule.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

Consideration of Mullet Permit Transfer: Harry Frickey began with Mr. Don Puckett stating Act 1316 of 1995 provided a mechanism of transferring of a mullet permit under certain physical hardships. A request was made to the Department by Mr. Harry

Frickey, Sr. to transfer his permit to his son. The Marine Finfish Committee convened and considered the request and recommended that the transfer take place. The Act gives the Commission the sole discretion of making a determination and approve the transfer. Commissioner Babin stated there was a need for a permanent mechanism, but the Commission has the discretion to handle this on a case by case basis. He then hoped there would be a proposed rule in the near future for the Commission to consider. Mr. Puckett read the Therefore Be It Resolved portion of the Resolution. Commissioner Babin made a motion to adopt the Resolution and it was seconded by Commissioner McCall. The motion passed unanimously.

(The full text of the Resolution is made a part of the record.)

RESOLUTION

- WHEREAS,** Act 1316 of 1995 provided for the transfer of certain licenses or permits on the basis of proven physical hardship, as determined with the sole discretion of the Commission, to the spouse, parent/legal guardian or child/legal dependent of the license holder; and
- WHEREAS,** Mr. Harry Frickey, Sr. has made application to the Commission to have his mullet permit transferred to his son, Mr. Harry Frickey Jr., and
- WHEREAS,** the Marine Finfish Committee of the Louisiana Wildlife and Fisheries Commission met on October 1, 1998, 9:00 a.m., to hear Mr. Frickey's request; and
- WHEREAS,** the Marine Finfish Committee, after hearing Mr. Frickey's request and considering the facts and evidence on motion by majority vote, moved to make recommendation to the full Louisiana Wildlife and Fisheries Commission to allow and permit the requested transfer.
- THEREFORE BE IT RESOLVED,** that the Louisiana Wildlife and Fisheries Commission determines that the mullet permit currently held by Harry Frickey, Sr. will be transferred to his son, Harry Frickey, Jr., on the basis of proven physical hardship.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

Chairman Gattle recognized former Commission Member J. B. Cormier and welcomed him to the Meeting.

The Monthly Law Enforcement Report for September was given by Major Keith LaCaze. The following numbers of citations were issued during the month of September.

Region I - Minden - 66 citations.
Region II - Monroe - 50 citations.
Region III - Alexandria - 86 citations.
Region IV - Ferriday - 67 citations.
Region V - Lake Charles - 189 citations.
Region VI - Opelousas - 124 citations.
Region VII - Baton Rouge - 75 citations.
Region VIII - New Orleans - 151 citations.
Region IX - Thibodaux - 237 citations.
Statewide Strike Force - 84 citations.
Seafood Investigation Unit - 8 citations.
Oyster Strike Force - 45 citations.
SWEP - 9 citations.

The grand total of citations issued statewide for the month of September was 1,045.

The aviation report for September 1998 showed enforcement pilots flew three airplanes a total of 30.9 hours for enforcement and 10.2 hours for other divisions.

Commissioner Busbice asked if the weather caused a lower total of citations or was this a normal total for this particular month? Major LaCaze stated the total was down because of the time spent on public assistance.

Chairman Gattle then asked for the first **Division Report, Damage Assessment from Tropical Storm Frances and Hurricane Georges**. Mr. Phil Bowman stated the state has been fairly successful in dodging a bullet with the storms and hurricanes in the Gulf of Mexico. Tropical Storm Frances caused significant rainfalls and extremely high tides. Water levels in the marshes of southwest Louisiana remain high and are causing fish kills. This area, especially around Rockefeller Refuge, suffered significant general plant damage. A major water control structure, that influences the entire Mermentau Basin, was lost. Shingles and

other materials were lost all the way to Pointe-au-Chien. Other water control structures suffered damage also as far east as Pointe-au-Chien due to Tropical Storm Frances. Marsh Island suffered damage this summer from a lightning fire and the plugs on the area eroded causing saltwater to get into the units when the storm came through.

Hurricane Georges caused a 5' tidal surge east and at the mouth of the Mississippi River. Overwashing of the marsh occurred from Grand Terre Island east. The most significant damage occurred at Pass-a-Loutre, stated Mr. Bowman. An estimate \$1.3 million worth of damage occurred because of Hurricane Georges. A combined total of \$2.4 to \$2.6 million worth of structural damage occurred from the two storms. Pass-a-Loutre suffered wind abrasion and scalding on the vegetation. The Chandeleur Islands are cut in numerous places and are essentially gone. The only thing left on Breton Island is a small spot of sand around the facility that was there. Grand Gosier Island, home of a major brown pelican rookery, was cut in half and lost.

Commissioner Busbice asked if the brown pelicans would move and re-establish a colony? Mr. Bowman stated the staff is hopeful they will re-establish in the adjacent areas or in the general vicinity. Commissioner Busbice asked if the losses were uninsured? Mr. Bowman stated the Department is self-insured through the State; and since both areas have been declared disaster areas, the Department is working with FEMA to see what funding opportunities are available. Then Commissioner Busbice asked if there was any man-made weirs that could get saltwater out of the freshwater areas quickly? Mr. Bowman commented all the gates are wide open.

Chairman Gattle asked Mr. Ron Dugas for a status on the oysters. Mr. Dugas stated Hurricane Georges presented a problem for oysters on the east side of the Mississippi River. The State Health Office closed the area until October 13 as a precautionary measure. This closure will allow crews to go into these areas and sample the harvesting waters to ensure they meet the approved standards. The health closure will not be a big problem, but how much damage to the resources on the east side will be a problem. Mr. Dugas stated he saw a lot of vegetation, mud, grass and sand, on docks. He then commented sand and oysters do not get along. It will not be known what the damage is until the area is actually looked at. During the closure, two days have been allocated to allow leaseholders to get into their areas, check it and dredge and clean some of the reefs. A season on Sister Lake would open on October 5 and remain open until October 16. Then the Calcasieu Tonging Area will open on October 16. Chairman Gattle asked what is the total percentage of oyster production from the east side of the River? Mr. Dugas stated there is about 1.5 million acres and over the past few years, 40 to 50 percent of the production was occurring in this area.

Ms. Marilyn Rotolo, Louisiana Oyster Task Force, stated there are seven temporary human waste dump site facilities and another site is being sought. She then requested the Commission's help in getting information on this law to the recreational sector. Commissioner Babin stated it is mandated that oyster fishermen not dump waste overboard. The Oyster Task Force has provided places throughout the state to dump their waste. Commissioner Babin felt this program will enhance the oyster industry.

A Report on the Teal Hunting Season began with Mr. Robert Helm stating expectations were very high coming into the season. As a result of good production years, the teal season was extended to 16 days for the first time in its history. The season is designed around the blue-winged teal and those comprise 90 percent of the harvest and 30 percent of the hunters participate in this season. Statewide temperatures were the warmest on record as well as low rainfalls occurred from May through August of this year. The abundant number of teal were very restricted to the limited habitat, stated Mr. Helm. A cool front moved into the state just prior to the opening, but conditions deteriorated very quickly with Tropical Storm Frances. Ten to 15 inches of rain fell across south and central Louisiana in just 3 days due to the storm just prior to the opening date. Many access roads were impassable and the rice fields were a solid sheet of water. The water continued to rise throughout the remainder of the season. Hurricane Georges had a big impact on the closing weekend of the season. Hunter efforts for harvest was particularly poor for the season. The rain caused massive re-distribution of the teal to more shallow water areas. Hunters in the rice fields had a good opening weekend. A cool front just prior to the closing appeared to move a few birds in and harvest was more successful. On the wildlife management areas, hunter numbers were down and harvest was reduced. For the season, hunter per effort averaged less than one bird.

Mr. Fred Kimmel gave a **Report on the Dove Hunting Season**. For the first split, the dove season was average with bright spots in Districts 1 and 3. Districts 4 and 6 had a rather poor season. It seemed fewer people had good hunts this year, stated Mr. Kimmel. Sandy Hollow WMA had one of the better hunts with 3.2 birds taken per hunter on opening day. The northern portion of Sandy Hollow was a youth hunt and an average of 3.8 birds per hunter was taken. Bayou Pierre WMA also had good hunts. The Department leased four fields from private landowners for public hunting. Two excellent hunts occurred on the fields in Tangipahoa and Washington Parishes with an average of 4.2 and 4.8 birds per hunter. A hunt in Ouachita Parish averaged about 2 birds per hunter. A field in West Baton Rouge Parish averaged less than one bird per hunter. The next dove split opens October 17, reminded Mr. Kimmel. Chairman Gattle asked how did the participation on the leased fields compare to last year? Mr. Kimmel stated participation was good, but there was not the number of leased fields this year as compared to last year.

Chairman Gattle then asked for **Public Comments on Goose Creeping and 1999 Turkey Season**. Mr. Robert Helm stated there was a summary sheet on public comments received on the goose creeping Notice of Intent. Total respondents was 176 with 92 percent in favor of abolishing the current goose creeping regulation and 8 percent were for maintaining or modifying the current regulation. A separate survey was conducted by an outdoor writer and a police juror in Cameron Parish. Results of the survey showed 455 were for abolishing the regulation and 17 were against. Mr. Helm explained reasons given by the public for abolishing or maintaining the regulation. Commissioner McCall asked if signatures on the survey were entirely from Cameron Parish or if there were names from Vermilion, Calcasieu and Jefferson Davis Parishes? Mr. Helm stated there were names from other parishes besides Cameron.

Mr. Steve Oates, Lafayette, asked when would the Commission take action on the goose creeping regulation? Chairman Gattle answered, at the next meeting.

Mr. David Boudreaux, Crowley, felt this has become a very complicated issue. He also felt duck hunting has been lost in his part of the state. If the regulation is repealed, Mr. Boudreaux stated goose hunting could be lost and this would mean a lost heritage. At the June Commission Meeting, it was asked for public comments or a possible re-write of the regulation. Mr. Boudreaux provided each Commissioner with a possible new regulation as well as alternative proposals.

Mr. Steve Oates, Lafayette, stated he disagreed that duck hunting is dead. Enforcement and biologists from all over the country agree there is an overpopulation of snow geese. Groups from all over the Flyway are recommending that something be done, and one solution is to increase the ability to take snow geese, including electronic calls and removing the restrictions on creeping. Mr. Oates stated, if a problem develops from removing this regulation, he would be back before the Commission again trying to resolve that problem. Commissioner Babin stated, in the numerous letters he received, there was overwhelming support to abolish the regulation. Also he mentioned electronic calls was not within the Commission's power to address, it would have to come from the Federal Government.

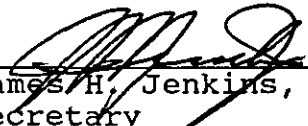
Mr. Dave Morrison stated lottery hunts will occur again this year on Red River WMA and for the first time on Sherburne WMA. He then asked the Commissioners help in selecting the hunters, so they can be notified.

After several minutes of discussion, the Commissioners decided to hold the **February 1999 Meeting** on Thursday, February 4, 1999 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Gattle then asked if there were any **Public Comments** and none were heard.

Chairman Gattle announced there would not be an Executive Session on **Jenkins et al. vs. Odom et al., 19th JDC.**

There being no further business, Commissioner Babin made a motion to **Adjourn** the meeting and it was seconded by Commissioner McCall.



James H. Jenkins, Jr.
Secretary

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, October 1, 1998

Chairman Tom Gattle presiding.

Bill Busbice
Danny Babin
Glynn Carver
Tom Kelly
Norman McCall

Secretary James Jenkins, Jr. was also present.

Commissioner Jerald Hanchey was absent from the meeting.

Chairman Gattle called for a motion for approval of the **September 3, 1998 Commission Minutes**. A motion for approval was made by Commissioner Babin and seconded by Commissioner Carver. The motion passed with no opposition.

Presentation of Artificial Reef Check to Department by Union Pacific Resources was handled by Mr. Rick Kasprzak. He began stating this donation was from Union Pacific's ship shoal 251 jacket and represents the 75th platform accepted by the Department. The Artificial Reef Program was designed to maintain fishery habitat in the State of Louisiana. Approximately 50 to 70 percent more fish are found around these reefs than nearby soft bottoms in the Gulf of Mexico. A check in the amount of \$87,828.50 will be used in monitoring and maintaining the reef. Mr. Kasprzak introduced Ms. Kathy Hagan and Ms. Gaylene Ryan of Union Pacific to present the check to Secretary Jenkins on behalf of the Department. One of the representatives from Union Pacific stated they were proud to be part of this Program. She then thanked Secretary Jenkins for the Department's time and the ability to present the check. Secretary Jenkins thanked Union Pacific for the check. Chairman Gattle also thanked Union Pacific on behalf of the Commission for the donation.

West Bay WMA - Recognition of 50 Year Anniversary, Boise Cascade Corp. began with Mr. Dave Morrison stating the wildlife management areas has reached a significant milestone. The year 1998 marks the 50th year of existence for West Bay WMA and the milestone was to be marked by recognizing Boise Cascade Corporation. Mr. Morrison provided background information on the wildlife management area system. There are 49 tracts in Louisiana that are WMAs which encompasses 1,169,000 acres. These areas are established to protect the natural resources of the State and provide areas for public recreation in the form of hunting,

fishing, camping, bird watching, etc. The land acquisition program has gained approximately 497,000 acres in property the Department actually owns. An additional 379,000 acres are provided by local, state and federal agencies and the remaining 294,000 acres are provided from private landowners and corporate timber companies. In 1948, West Bay WMA began when the Department leased most of the 18,000 acres from Industrial Lumber Company and today this company is known as Boise Cascade. In the early 1960's, over 30,000 acres were added to West Bay and then in the late 1980's, additional acreage was included. The total acreage currently for West Bay WMA is 62,000 acres. Boise Cascade not only provides land at West Bay WMA, but also at Boise-Vernon WMA in Vernon Parish and the Sabine WMA near Many, Louisiana. A single lease agreement is in existence for all three areas, stated Mr. Morrison. The five year agreement, renewed annually, allows the Department to plan for long-term projects without fear of losing the lease. The lands provided are given free of charge by Boise Cascade. Some of the direct benefits Boise Cascade receives from the Department includes a full-time employee, road maintenance is handled to a certain extent and day to day upkeep of the property. Mr. Morrison then introduced representatives from Boise Cascade - Mr. Tom Harris, Environmental and Wildlife Manager, Mr. Danny Smith, Land Management Administrator, Mr. Joe Pecorney, Area Manager for the Elizabeth area, and Ms. Deb Jordan, Regional Communications Manager. He then presented a plaque to Mr. Harris on behalf of the Department.

Mr. Harris stated it was an honor to be at the Meeting to accept the plaque. Boise Cascade has enjoyed a long tenure with the Department and looks forward to many years in the future. Mr. Harris stated he brought leases for Secretary Jenkins to sign. Mr. Morrison stated, a synopsis on West Bay was included in each Commissioner's packet. Chairman Gattle expressed his appreciation for allowing the Department to use their property and looks forward to the continuing relationship.

Mr. Robert Love handled the next agenda item, **Little River WMA Expansion**. Little River is located just above Alexandria in the central part of the State and was originally acquired in the fall of 1989 from the Department of Transportation and Development. The 2,944 acres was given to DOTD as mitigation for I-49 and other road projects and is considered wetlands. Upon acquiring the WMA, there was limited utility and management ability and so a project was undertaken to enhance the area. In the fall of 1995, 2 parcels of about 190 acres were acquired and then in August 1998, an additional 710 acres were acquired from International Paper. Also, International Paper has given the Department a free lease on 888 acres to enroll into a WMA. Mr. Love explained the benefits of the expansion. He then stated he was proud and thankful for the cooperation by International Paper. Future acquisitions within the area is being planned, stated Mr. Love. He then introduced Mr. John Weston of International Paper.

Mr. Weston stated it was a privilege working with the Department on several projects. He then expressed congratulations to Boise Cascade for their 50 year accomplishment. Mr. Weston concluded stating he looked forward to working with the Department in future endeavors.

A Notice of Intent on Seismic Regulations began with Ms. Karen Foote introducing Ms. Heather Finley. Ms. Finley began stating this proposed rule was the result of a Commission resolution passed in December 1996. Public input was received from both fishermen and seismic contractors on problems of conflicts and in particular 3D seismic. Several large meetings with shrimpers and seismic contractors have been held to explain their problems. A joint work group consisting of seismic industry, oil and gas industry, environmental groups and fishermen met and came up with a lot of good ideas. The results of these meetings are what is proposed in the Notice of Intent, stated Ms. Finley. The proposed rule includes pre-project meetings, tagging of equipment and site clearance, a new kind of shooting array, insurance requirements and appeals process for the contractors. If approved, the Notice of Intent would be published in the October State Register and public comments would be accepted until December 4. Chairman Gattle asked Ms. Finley to read the Therefore Be It Resolved portion of the Resolution.

Mr. Tommy Millner, Supervising Attorney with the Tulane Environmental Law Clinic, stated his support for the proposed rule. The proposal is a fair accommodation between business, environment and fishermen. He then commended Secretary Jenkins, Assistant Secretary Roussel and Ms. Finley for conducting a fair, open process by bringing all interested parties together and listening to their concerns and coming up with a product everyone can be proud of. Mr. Millner thought this was a model the Department should follow in the future if they do not already.

Ms. Marilyn Rotolo, Louisiana Seafood Management Council, stated there are only two net seasons left for commercial fishermen. She asked the Commission to consider closing for 90 days the seismic activity during the pompano season.

Chairman Gattle stated he learned a lot about seismic over the last 3 months and has been extremely impressed with the way the Department handled the process. He also felt every effort has been made to make this proposed rule a good regulation. Commissioner McCall made a motion to adopt the Resolution and it was seconded by Commissioner Busbice. The motion passed with no opposition.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

RESOLUTION

SEISMIC EXPLORATION REGULATION

October 1, 1998

WHEREAS, the Louisiana Wildlife and Fisheries Commission supervises and controls the wildlife of the state, including all aquatic life, and

WHEREAS, the Department of Wildlife and Fisheries and the Commission regulate how seismic activity in Louisiana will be accomplished in order to protect and conserve wildlife and fishery resources, and

WHEREAS, 3D seismic exploration activity involves more intensive activity in state waters, coastal wetlands, and other sensitive habitats than does 2D seismic exploration activity, and

WHEREAS, the Commission has been petitioned by the public of the state to review the regulation of seismic activity to improve protection of wildlife and fishery resources.

THEREFORE BE IT RESOLVED, that the Commission hereby promulgates a Notice of Intent to amend and update the rules regarding seismic exploration, and

THEREFORE BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:I.301) regulating seismic exploration and repeal a Rule (LAC 76:I.303) on permits. Authority for adoption of this Rule is included in R.S. 30:214 and R.S. 36:609. This notice is given pursuant to the Administrative Procedure Act, R.S. 49:950 et seq.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

§301. Regulations

A. Definitions

Cultivation--any human activity the purpose of which is to enhance the production of oysters.

Oyster Areas--those areas of coastal Louisiana which are capable of supporting natural or cultivated oyster populations.

Oyster Bed--an oyster reef or a waterbottom on which oysters are actively being cultivated.

Oyster Reef--a discrete, clearly distinguishable structure which a) has been formed primarily by living oysters and other organisms, b) is not necessarily currently supporting live oysters, c) at least a portion of which must be above the mud line, (i.e. not covered by mud or silt), and d) may support live oysters as a result of normal hydrological fluctuations.

B. In order to protect, conserve, and replenish the wildlife of the state of Louisiana, including all aquatic life, and pursuant to the authority conferred by Article IX, Section 7 of the Louisiana Constitution of 1974, R.S. 30:214 et seq. and R.S. 36:609; the following rules shall from and after promulgation date, govern any exploration work involving the discharge of explosives and other energy sources in the state of Louisiana for geophysical exploration.

1. The Wildlife and Fisheries Commission, pursuant to its constitutional and statutory authority, hereby designates how geophysical exploration work shall be conducted insofar as it relates to the fish, seafood, aquatic life, oysters, wildlife and waterbottoms of the state. No geophysical exploration work shall commence without the approval of the Secretary of the Department or his designee. The Department of Wildlife and Fisheries, Marine Fisheries Division, Seismic Section is hereby authorized and directed to enforce and administer these regulations with full power and authority to take all appropriate actions to ensure proper administration and compliance.

2. Application(s) for permission to operate shall be made by letter giving the names of the parishes where the geophysical exploration is to be conducted. Written permission to operate shall be valid for a period of one year from date of approval, unless otherwise specified. In order to obtain and maintain permission to operate, an applicant shall furnish the Department a surety bond in the amount of \$75,000 from a bonding company licensed to do business in the state of Louisiana and to whom A.M. Best and Company has given an "B+/7" or better rating. Bond forms may be obtained from the Seismic Section. The bond shall be filed by the applicant prior to issuance of any permission to operate. Said bond shall guarantee payment of all shot hole fees and mileage fees, inspector fees, all compensation for damage to public lands, and waterbottoms (including, without limitation, damages for failure to remove equipment and trash), oysters, fish and other aquatic life, and/or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said applicant may be legally liable, and which may be suffered by the state of Louisiana. The bond shall also guarantee any and all fees in whole and in part for services rendered by the Department and its offices in accordance with regulations of the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission and all applicable penalties, and any other liabilities to the state of Louisiana incurred by the applicant during the geophysical operations. Applicants must also supply the Seismic Section with proof of general liability insurance in the amount of \$1,000,000. The policy must be issued by an insurer approved by the Department, and specifically cover all damage to land, waterbottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way, and other structures for which Permittee may be legally liable. In addition, Permittees applying for a renewal of the letter of permission to operate must have demonstrated a record of sound business practices by making timely payments of seismic fees to the Department, and by being in complete compliance with the Department's regulations including those regulations requiring notifications and timely submission of seismic exploration data daily reports.

3. The Department may, after ten working days written notice to Permittee, suspend or cancel the seismic letter of permission to operate granted pursuant hereto for failure by the Permittee, to make timely payment to the Department for obligations owed to the state of Louisiana for the following:

- a. any adjusted shot hole fees and mileage fees;
- b. any compensation for damage to public lands, waterbottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said Permittee may be legally liable;

c. any fees for services rendered by LDWF personnel in overseeing geophysical exploration;

d. any applicable penalties.

e. the Permittee shall be entitled to a hearing upon written request, made within the 10 working day notice period, to the Secretary or his designee, to review the circumstances prompting the Department to suspend or cancel his letter of permission to operate. This hearing shall be held as soon as practicable.

4. Permittees shall submit a 1:24,000 scale map showing, at a minimum, the outline of the project for comparison with Department databases of threatened, endangered, or sensitive wildlife and fisheries resources and a similar map on an 8.5" x 11" page. Permittees shall notify the Seismic Section before beginning any geophysical exploration on a "Notification of Beginning of Seismic Operations" furnished by the Seismic Section. The Permittee shall provide the Department with the names and telephone numbers of appropriate designated contact persons. The "Notification of Beginning of Seismic Operations" shall be accompanied by a map on an 8.5" x 11" page showing the outline of the project or line. The Permittee also shall furnish the Seismic Section with a certified copy of the information filed with the appropriate parish clerk of court in accordance with R.S. 30:217. The Permittee shall submit notification to the Seismic Section of interruption or cessation of work. If a change in the prospect or line is necessary, the Permittee will provide a new plat indicating the change. If a change on the prospect or line affects different properties, or leasehold interests, the Permittee will provide a new plat indicating the new prospect or line, and no work will begin until this change has been furnished to the Seismic Section and the Seismic Section has reviewed it with regard to threatened, endangered, or sensitive wildlife and fisheries resources. The granting of permission to operate does not give the Permittee the right to trespass on, or conduct activities on private properties, nor does it relieve the Permittee of the responsibility for damages to private property.

5. A Permittee shall organize a pre-project meeting with the appropriate government agencies, property owners, lessees, residents, and other interested parties in the area of the proposed project. Notice of the meeting shall be advertised in the newspapers or journals designated for legal notices in the geographic areas in which geophysical survey operations are to be conducted. Additional notices should be posted in or on appropriate public places in the area of operations. All such notices shall be issued at a reasonable time before the scheduled meeting and before commencement of geophysical operations. Maps, as provided to the Seismic Section in connection with the Notification of Beginning of Seismic Operations and information

designating the Permittee's contact persons during the geophysical operations, shall be made available to the public for review at this meeting.

C. Each geophysical exploration crew working in the state of Louisiana shall always be under the supervision of the Seismic Section. A Seismic Inspector may be present during the shooting operations of the Permittee to which he or she is assigned.

1. The Seismic Section representative shall have access to all records, including without limitation, shot point location maps, and shooters' logs and tracings, but only to the extent necessary to determine compliance with these regulations. Any and all proprietary or confidential information viewed or obtained by any Seismic Section representative or Seismic Inspector shall be maintained in strict confidence as mandated for disclosures of seismic data under R.S. 30:215. No Permittee shall be required to submit to the Department any document or thing containing such confidential, proprietary information, if such document would, thereby, become a public record.

2. The party chief or party manager shall instruct the members of his party as to the requirements of these rules and regulations, and to the duty and authority of the Seismic Section and the Seismic Inspector.

3. The party chief or party manager shall furnish the Seismic Section's representative with whatever reasonable and appropriate transportation is needed to allow him to visit the working areas and shall transport the Seismic Section's representative to whatever locations he or she requests. The Department acknowledges that, when the Permittee is providing transportation for the Seismic Inspector or other representative of the Department under these regulations or other applicable law, that the Permittee is fulfilling a state mandated function and shall not be responsible, in any way, for any decisions, instructions, actions, or omissions of such Seismic Inspector or other Department representative.

4. The Seismic Inspector has the right to suspend any particular operation (e.g., surveying, drilling, shooting, or picking up equipment) or any portion of an operation, if it violates the Seismic Section's rules and regulations.

a. Written notice of violations shall be provided to the Permittee's designated contact person as soon as practicable. Corrective action taken by the Permittee and approved by the Seismic Section should dissolve the order for suspension issued by the Seismic Inspector.

b. The Permittee may request a hearing from the Secretary or his designee to review the circumstances of any

suspension of geophysical survey activities. This hearing shall be convened as soon as practicable, but in any event within ten working days after the written request for a hearing. The Department shall provide the Permittee with due notice and the opportunity to participate.

5. The Department recognizes that conflicts may arise from time to time between parties regarding access to and use of public waters, waterbottoms, public lands and natural resources. In the event that such conflicts cannot be otherwise resolved, the Department may, at the discretion of the Secretary or his designee, restrict, regulate, or suspend such potentially or actually conflicting activities as may be necessary to provide reasonable and safe access to said public resources. The Department shall provide the Permittee's designated contact person at least five working days written notice prior to any suspension, restriction, or regulation of geophysical survey operations due to user conflicts. The Permittee may request a hearing from the Secretary or his designee to review the circumstances of the Department's restriction, regulation or suspension of geophysical activities. This hearing shall be convened as soon as practicable, but at any event within ten working days after written request for a hearing. The Department shall provide all interested parties with due notice and opportunity to participate.

6. No Seismic Inspector shall have the right to release any Permittee from the obligations imposed by these rules and regulations. Variances from these regulations may be granted by the Department only after written application by the Permittee setting forth reasons therefore. The release, signed by the Secretary or his designee, will designate the particular area and rule affected, and the procedures to be followed in lieu of any established rule. The Secretary or his designee may provide this information to appropriate interested parties upon request.

D. The Permittee must make a separate report for each day, whether or not shooting is in progress. Daily reports must furnish complete information as indicated by the report form, and must be signed by the party chief or party manager.

E. No geophysical exploration work shall be conducted on any wildlife refuge, waterfowl refuge, scenic river or stream, game preserve, fish preserve or hatchery, or oyster seed ground reservation without written permission from the Department through the division in charge of such refuge, preserve, river, stream, hatchery or reservation. While operating on any wildlife refuge, waterfowl refuge, scenic river, stream, game preserve, fish preserve or hatchery or oyster seed ground or reservation, the Permittee must abide by all rules and regulations of said area, in addition to these seismic regulations to the extent they apply.

F. Boats, marsh buggies, airboats, or other types of marsh vehicles, when used, must be used so as to cause the minimum disturbance or damage to the lands, waterbottoms, and wildlife and fisheries resources thereon. When working on wildlife management areas, wildlife refuges, scenic rivers, streams, fish preserves or hatcheries, or public oyster seed grounds or reservations, the Permittee will coordinate with the supervisor in charge of the area as to rules of the area. Rules, regulations and fees may vary from one such area to another.

G. No marsh buggies shall have contact with any oyster reef or bed, including state-owned natural reefs, nor shall any explosives or other energy sources be discharged within 250 feet of any oyster reef or bed, including any state-owned natural reefs, without permission from the lessee of the reef or bed, and the Department. The Seismic Section will review all projects in designated public oyster seed grounds and reservations.

H. Geophysical Permittees are required to furnish an oyster lease plat to each affected oyster lessee showing the proposed number of shot points on line and their proposed location. Geophysical Permittees are required to furnish notice to oyster lease applicants of the proposed crossing of waterbottoms for which said applicant has applied for an oyster lease, provided said application(s) has been plotted on the Departments map(s).

I. All pipe used in geophysical operations must be removed to at least six feet below the surface of the ground, or six feet below the bottom in water areas, before finally leaving the shotpoint. No pipes shall be left unattended on land or in water.

J. All parties using pipe in water areas must have clearly welded or stamped at each end of each joint the name or abbreviation of the name of the Permittee using the pipe. All equipment including cables, boxes, geophones, staff poles, anchors, buoys, etc., must be permanently tagged with the name of the Permittee. All 2 x 2's used for survey lines must be clearly stamped with the name of the Permittee using the stakes at approximately three-foot intervals. These stakes must be removed immediately upon completion of the project. All cane poles must be removed immediately upon completion of the project. Anchors shall be marked, stamped, or tagged to identify the Permittee who deployed them, and shall be secured to an appropriately marked buoy, vessel, or float.

K. Permittees shall comply with the U.S. Coast Guard and/or the U.S. Army Corps of Engineers' rules and regulations for marking and lighting material and/or equipment in navigable waters. In addition, all survey buoys used in geophysical operations should be colored fluorescent green to mark receivers, and fluorescent red to mark the source line or shot line as well as show the name of the

Permittee. All such floats in areas of seismic operations shall use floating line.

L. No explosives shall be discharged knowingly within 1,000 feet of a boat without notice being given to such boat so that it may move from the area.

M. Persistent gas and water discharges caused by drilling or shooting operations of seismic crews will be stopped immediately by the Permittee.

N. Explosive charges or multiple charges in the same shot hole in excess of 50 pounds shall not be used except pursuant to express written authorization from the Secretary or his designee. Requests for the use of such charges and other variances from the charge sizes, hole depths, and/or setback requirements must be made in writing, giving the reasons why such charges are needed, the particulars of charge sizes, hole depths, patterns of deployment, and setback from potentially sensitive environments. Such requests should be addressed to the Seismic Section. Variances shall not be unreasonably withheld or delayed. All documents submitted to the Seismic Section in connection with requests for variances shall be public records; therefore, any confidential proprietary information required for review of a variance request may be submitted orally or by demonstrative presentation referenced in the written application, but the underlying confidential information shall not be disclosed in the written request filed with the Department. The Permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to requested variances, as set forth in §301.C.4.b. above. The Secretary or his designee may provide this information to appropriate interested parties upon request.

O. 1. Minimum required depth of charges shall be as follows for shots detonated in holes:

| a. Weight of charge | Minimum required depth |
|---------------------|------------------------|
| 1 pound or less | 10 feet |

Charges of 1 pound or less may only be used in upland areas. In addition, the hole must be tamped before shooting and the charge must be shot on the same day it is placed.

| | |
|------------------------------|----------|
| Between 1 pound and 2 pounds | 25 feet |
| 2 pounds up to 5 pounds | 40 feet |
| 5 pounds up to 20 pounds | 60 feet |
| 20 pounds up to 30 pounds | 70 feet |
| 30 pounds up to 40 pounds | 100 feet |
| 40 pounds up to 50 pounds | 120 feet |

No part of the charge shall be above minimum required depth.

2. The use of suspended charges as energy sources is prohibited unless a variance is granted by the Secretary or his designee. If permitted, the Secretary or his designee shall then set forth requirements to minimize the effect on wildlife and fisheries resources.

P. Detonation of seismic explosive charges will be allowed only during daylight hours. Variances to this rule may be requested as set forth in §301.N. Permittees shall notify the Seismic Section of 24 hour airgun operations prior to beginning such operations. The Department may, after review of the details of such night operations and areas affected thereby, impose additional restrictions, regulations or requirements upon such operations as may be reasonable and necessary for the protection of public waters, waterbottoms, lands, and wildlife. No shooting will be allowed in heavy fog. The Permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to night operations and weather conditions, as provided for in §301.C.4.b. above.

Q. In accordance with good industry practice, Permittee shall, after drilling and loading shot holes, backfill holes with cuttings or another material authorized by the Department, and place the shot hole plug near the surface to avoid wash-in.

R. All equipment including boxes, cables, staff poles, poles, anchors, etc., must be cleared from project areas before the Permittee leaves the area. The Permittee shall confirm in writing to the Seismic Section that all its equipment, materials, and refuse have been cleared from the project area. Said letter of confirmation shall be a public record. Variances from this rule may be granted by the Department if accompanied by a written request from an affected landowner or agency. The Secretary or his designee may provide this information to appropriate interested parties upon request.

S. A fee of \$135 per day will be charged to geophysical Permittees. This fee will be reviewed each January. All payments will be made by the Permittees directly to the Department on or before the fifteenth of each month. No payments are to be made to the Seismic Inspectors. Seismic Inspectors shall make and the Seismic Section shall maintain written records of the Inspectors' work in connection with each geophysical project, identifying the date, time, location, nature of the inspector's work, and the Permittee involved.

T. Permittees making application to work on any designated oyster seed ground or reservation designated by the state of Louisiana as specified in R.S. 56:434 and 435; and LAC Title 76

will be required to pay the following fees in addition to the supervisory fees: \$100 per shot hole, or \$1,000 per linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1,000 per linear mile in water depths less than or equal to five feet; \$400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$200 per linear mile in water depths greater than 10 feet; or, for 3D airgun surveys: \$12,500 per square mile in water depths less than or equal to five feet; \$5,000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 2,500 per square mile in water depths greater than 10 feet. All of these fees are to be paid in advance. All fees will be reviewed each January. It is the intention of the Wildlife and Fisheries Commission and the Department to use any fees collected pursuant to this rule to plant shells for oyster cultch, to rehabilitate areas damaged by operations and as mitigation for any other damages to the coastal area.

U. All geophysical Permittees conducting operations shall exercise reasonable precaution and act in accordance with approved and accepted methods to prevent destruction of, or injury to the fish, oysters, shrimp and other aquatic life, wildlife or other living natural resources of the state of Louisiana, or their habitats.

V. Any violation of these or other rules promulgated by the Commission or the Department for the regulation of geophysical operations, or the refusal of any Permittee or its employees to comply fully with all orders and requirements which may be made by authorized personnel of the Department at the time the exploration is conducted, or any attempt to unduly influence any Seismic Inspector to abstain from the enforcement of these regulations shall constitute cause for suspension or cancellation of the "permission to operate", cessation of all exploration work, and disqualification of the party chief, party manager, field manager, and/or the Permittee involved from future operations in this state. The Permittee may request a hearing from the Secretary or his designee to review the particular circumstances prompting the Department to suspend or cancel his letter of permission to operate per the provisions of §301.C.4.b.

W. These rules and regulations supersede all other rules and regulations issued prior to this date, and are subject to change by the Department and the Wildlife and Fisheries Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), LR 18:509 (May 1992), LR .

§303. Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1987), amended LR 10:410 (May 1984), repealed LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and the final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Heather Warner Finley, Seismic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 prior to 4 December 1998.

Thomas M. Gattle, Jr.
Chairman

A Resolution Providing Secretarial Authority to Reopen Red Snapper Recreational Season and Set New Closure Date was handled by Mr. Harry Blanchet. At the last Commission Meeting, the harvest of recreational red snapper was discussed and it was projected the fishery had obtained its quota. The National Marine Fisheries Service will soon be receiving direct estimates of the snapper harvest. If it is found there is a substantial underrun in the harvest, there may be a reopening of the recreational season for a short period of time. Mr. Blanchet felt giving the Secretary authority, by resolution, to reopen the season in Louisiana waters if it opens in federal waters would be prudent. He then read the Therefore Be It Resolved portion of the Resolution.

Ms. Marilyn Rotolo, Louisiana Seafood Management Council, stated the Council supports the Resolution but stressed the importance of carefully watching the quota and close it immediately upon it being reached.

Chairman Gattle asked if the commercial fishery was still open? Mr. Blanchet stated it would open October 1, 1998. Then the Chairman asked if it would open again in November if the quota was not reached? Mr. Blanchet stated yes. Commissioner Babin asked if this would occur only if National Marine Fisheries Service deemed it necessary to open federal waters? Mr. Blanchet stated yes. Commissioner Babin made a motion to adopt the Resolution.

Commissioner Kelly seconded the Resolution and it passed with no opposition.

(The full text of the Resolution is made a part of the record.)

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON REGULATION

October 1, 1998

- WHEREAS,** the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS,** regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS,** NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS,** the 1998 recreational quota for red snapper in the Gulf of Mexico was set at 4.47 million pounds, and
- WHEREAS,** the best information available at the time indicated that the recreational sector was projected to have harvested their quota by September 30, 1998, and
- WHEREAS,** offshore waters were abnormally rough during the month of September and fishing opportunities may have been limited more than expected, and
- WHEREAS,** NMFS has closed the recreational fishing season for red snapper effective 12:01 a.m., September 30, 1998 through December 31, 1998 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and
- WHEREAS,** the Wildlife and Fisheries Commission has enacted a closure in Louisiana state waters consistent with the EEZ closure, and

WHEREAS, NMFS will be obtaining additional data on the estimated harvest of red snapper by the recreational fishery, and

WHEREAS, in the course of review of that data, NMFS may determine that the recreational quota had not been reached within the time projected for it to be reached, and

WHEREAS, it is possible that, if the recreational quota has not been harvested, NMFS may re-open the recreational red snapper season for some period of time in order to allow the remainder of the quota to be taken, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish.

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open an additional recreational red snapper season in Louisiana state waters if he is informed that National Marine Fisheries Service has opened an additional season and to close such season when he is informed that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate such an emergency rule.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

Consideration of Mullet Permit Transfer: Harry Frickey began with Mr. Don Puckett stating Act 1316 of 1995 provided a mechanism of transferring of a mullet permit under certain physical hardships. A request was made to the Department by Mr. Harry

Frickey, Sr. to transfer his permit to his son. The Marine Finfish Committee convened and considered the request and recommended that the transfer take place. The Act gives the Commission the sole discretion of making a determination and approve the transfer. Commissioner Babin stated there was a need for a permanent mechanism, but the Commission has the discretion to handle this on a case by case basis. He then hoped there would be a proposed rule in the near future for the Commission to consider. Mr. Puckett read the Therefore Be It Resolved portion of the Resolution. Commissioner Babin made a motion to adopt the Resolution and it was seconded by Commissioner McCall. The motion passed unanimously.

(The full text of the Resolution is made a part of the record.)

RESOLUTION

WHEREAS, Act 1316 of 1995 provided for the transfer of certain licenses or permits on the basis of proven physical hardship, as determined with the sole discretion of the Commission, to the spouse, parent/legal guardian or child/legal dependent of the license holder; and

WHEREAS, Mr. Harry Frickey, Sr. has made application to the Commission to have his mullet permit transferred to his son, Mr. Harry Frickey Jr., and

WHEREAS, the Marine Finfish Committee of the Louisiana Wildlife and Fisheries Commission met on October 1, 1998, 9:00 a.m., to hear Mr. Frickey's request; and

WHEREAS, the Marine Finfish Committee, after hearing Mr. Frickey's request and considering the facts and evidence on motion by majority vote, moved to make recommendation to the full Louisiana Wildlife and Fisheries Commission to allow and permit the requested transfer.

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission determines that the mullet permit currently held by Harry Frickey, Sr. will be transferred to his son, Harry Frickey, Jr., on the basis of proven physical hardship.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

Chairman Gattle recognized former Commission Member J. B. Cormier and welcomed him to the Meeting.

The **Monthly Law Enforcement Report for September** was given by Major Keith LaCaze. The following numbers of citations were issued during the month of September.

Region I - Minden - 66 citations.

Region II - Monroe - 50 citations.

Region III - Alexandria - 86 citations.

Region IV - Ferriday - 67 citations.

Region V - Lake Charles - 189 citations.

Region VI - Opelousas - 124 citations.

Region VII - Baton Rouge - 75 citations.

Region VIII - New Orleans - 151 citations.

Region IX - Thibodaux - 237 citations.

Statewide Strike Force - 84 citations.

Seafood Investigation Unit - 8 citations.

Oyster Strike Force - 45 citations.

SWEP - 9 citations.

The grand total of citations issued statewide for the month of September was 1,045.

The aviation report for September 1998 showed enforcement pilots flew three airplanes a total of 30.9 hours for enforcement and 10.2 hours for other divisions.

Commissioner Busbice asked if the weather caused a lower total of citations or was this a normal total for this particular month? Major LaCaze stated the total was down because of the time spent on public assistance.

Chairman Gattle then asked for the first **Division Report, Damage Assessment from Tropical Storm Frances and Hurricane Georges**. Mr. Phil Bowman stated the state has been fairly successful in dodging a bullet with the storms and hurricanes in the Gulf of Mexico. Tropical Storm Frances caused significant rainfalls and extremely high tides. Water levels in the marshes of southwest Louisiana remain high and are causing fish kills. This area, especially around Rockefeller Refuge, suffered significant general plant damage. A major water control structure, that influences the entire Mermentau Basin, was lost. Shingles and

other materials were lost all the way to Pointe-au-Chien. Other water control structures suffered damage also as far east as Pointe-au-Chien due to Tropical Storm Frances. Marsh Island suffered damage this summer from a lightning fire and the plugs on the area eroded causing saltwater to get into the units when the storm came through.

Hurricane Georges caused a 5' tidal surge east and at the mouth of the Mississippi River. Overwashing of the marsh occurred from Grand Terre Island east. The most significant damage occurred at Pass-a-Loutre, stated Mr. Bowman. An estimate \$1.3 million worth of damage occurred because of Hurricane Georges. A combined total of \$2.4 to \$2.6 million worth of structural damage occurred from the two storms. Pass-a-Loutre suffered wind abrasion and scalding on the vegetation. The Chandeleur Islands are cut in numerous places and are essentially gone. The only thing left on Breton Island is a small spot of sand around the facility that was there. Grand Gosier Island, home of a major brown pelican rookery, was cut in half and lost.

Commissioner Busbice asked if the brown pelicans would move and re-establish a colony? Mr. Bowman stated the staff is hopeful they will re-establish in the adjacent areas or in the general vicinity. Commissioner Busbice asked if the losses were uninsured? Mr. Bowman stated the Department is self-insured through the State; and since both areas have been declared disaster areas, the Department is working with FEMA to see what funding opportunities are available. Then Commissioner Busbice asked if there was any man-made weirs that could get saltwater out of the freshwater areas quickly? Mr. Bowman commented all the gates are wide open.

Chairman Gattle asked Mr. Ron Dugas for a status on the oysters. Mr. Dugas stated Hurricane Georges presented a problem for oysters on the east side of the Mississippi River. The State Health Office closed the area until October 13 as a precautionary measure. This closure will allow crews to go into these areas and sample the harvesting waters to ensure they meet the approved standards. The health closure will not be a big problem, but how much damage to the resources on the east side will be a problem. Mr. Dugas stated he saw a lot of vegetation, mud, grass and sand, on docks. He then commented sand and oysters do not get along. It will not be known what the damage is until the area is actually looked at. During the closure, two days have been allocated to allow leaseholders to get into their areas, check it and dredge and clean some of the reefs. A season on Sister Lake would open on October 5 and remain open until October 16. Then the Calcasieu Tonging Area will open on October 16. Chairman Gattle asked what is the total percentage of oyster production from the east side of the River? Mr. Dugas stated there is about 1.5 million acres and over the past few years, 40 to 50 percent of the production was occurring in this area.

Ms. Marilyn Rotolo, Louisiana Oyster Task Force, stated there are seven temporary human waste dump site facilities and another site is being sought. She then requested the Commission's help in getting information on this law to the recreational sector. Commissioner Babin stated it is mandated that oyster fishermen not dump waste overboard. The Oyster Task Force has provided places throughout the state to dump their waste. Commissioner Babin felt this program will enhance the oyster industry.

A Report on the Teal Hunting Season began with Mr. Robert Helm stating expectations were very high coming into the season. As a result of good production years, the teal season was extended to 16 days for the first time in its history. The season is designed around the blue-winged teal and those comprise 90 percent of the harvest and 30 percent of the hunters participate in this season. Statewide temperatures were the warmest on record as well as low rainfalls occurred from May through August of this year. The abundant number of teal were very restricted to the limited habitat, stated Mr. Helm. A cool front moved into the state just prior to the opening, but conditions deteriorated very quickly with Tropical Storm Frances. Ten to 15 inches of rain fell across south and central Louisiana in just 3 days due to the storm just prior to the opening date. Many access roads were impassable and the rice fields were a solid sheet of water. The water continued to rise throughout the remainder of the season. Hurricane Georges had a big impact on the closing weekend of the season. Hunter efforts for harvest was particularly poor for the season. The rain caused massive re-distribution of the teal to more shallow water areas. Hunters in the rice fields had a good opening weekend. A cool front just prior to the closing appeared to move a few birds in and harvest was more successful. On the wildlife management areas, hunter numbers were down and harvest was reduced. For the season, hunter per effort averaged less than one bird.

Mr. Fred Kimmel gave a **Report on the Dove Hunting Season**. For the first split, the dove season was average with bright spots in Districts 1 and 3. Districts 4 and 6 had a rather poor season. It seemed fewer people had good hunts this year, stated Mr. Kimmel. Sandy Hollow WMA had one of the better hunts with 3.2 birds taken per hunter on opening day. The northern portion of Sandy Hollow was a youth hunt and an average of 3.8 birds per hunter was taken. Bayou Pierre WMA also had good hunts. The Department leased four fields from private landowners for public hunting. Two excellent hunts occurred on the fields in Tangipahoa and Washington Parishes with an average of 4.2 and 4.8 birds per hunter. A hunt in Ouachita Parish averaged about 2 birds per hunter. A field in West Baton Rouge Parish averaged less than one bird per hunter. The next dove split opens October 17, reminded Mr. Kimmel. Chairman Gattle asked how did the participation on the leased fields compare to last year? Mr. Kimmel stated participation was good, but there was not the number of leased fields this year as compared to last year.

Chairman Gattle then asked for **Public Comments on Goose Creeping and 1999 Turkey Season**. Mr. Robert Helm stated there was a summary sheet on public comments received on the goose creeping Notice of Intent. Total respondents was 176 with 92 percent in favor of abolishing the current goose creeping regulation and 8 percent were for maintaining or modifying the current regulation. A separate survey was conducted by an outdoor writer and a police juror in Cameron Parish. Results of the survey showed 455 were for abolishing the regulation and 17 were against. Mr. Helm explained reasons given by the public for abolishing or maintaining the regulation. Commissioner McCall asked if signatures on the survey were entirely from Cameron Parish or if there were names from Vermilion, Calcasieu and Jefferson Davis Parishes? Mr. Helm stated there were names from other parishes besides Cameron.

Mr. Steve Oates, Lafayette, asked when would the Commission take action on the goose creeping regulation? Chairman Gattle answered, at the next meeting.

Mr. David Boudreaux, Crowley, felt this has become a very complicated issue. He also felt duck hunting has been lost in his part of the state. If the regulation is repealed, Mr. Boudreaux stated goose hunting could be lost and this would mean a lost heritage. At the June Commission Meeting, it was asked for public comments or a possible re-write of the regulation. Mr. Boudreaux provided each Commissioner with a possible new regulation as well as alternative proposals.

Mr. Steve Oates, Lafayette, stated he disagreed that duck hunting is dead. Enforcement and biologists from all over the country agree there is an overpopulation of snow geese. Groups from all over the Flyway are recommending that something be done, and one solution is to increase the ability to take snow geese, including electronic calls and removing the restrictions on creeping. Mr. Oates stated, if a problem develops from removing this regulation, he would be back before the Commission again trying to resolve that problem. Commissioner Babin stated, in the numerous letters he received, there was overwhelming support to abolish the regulation. Also he mentioned electronic calls was not within the Commission's power to address, it would have to come from the Federal Government.

Mr. Dave Morrison stated lottery hunts will occur again this year on Red River WMA and for the first time on Sherburne WMA. He then asked the Commissioners help in selecting the hunters, so they can be notified.

After several minutes of discussion, the Commissioners decided to hold the **February 1999 Meeting** on Thursday, February 4, 1999 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Gattle then asked if there were any **Public Comments** and none were heard.

Chairman Gattle announced there would not be an Executive Session on **Jenkins et al. vs. Odom et al., 19th JDC.**

There being no further business, Commissioner Babin made a motion to **Adjourn** the meeting and it was seconded by Commissioner McCall.

James H. Jenkins, Jr.
Secretary

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The Advocate ONLINE

Baton Rouge, Louisiana

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LWF official says hurricanes have damaged barrier islandsBy **JOE MACALUSO**

Advocate outdoors writer

The procession of four hurricanes into or near Louisiana during September reduced valuable barrier islands to bare spits of sand, Wildlife and Fisheries assistant secretary Phil Bowman said Thursday.

Reporting to the Louisiana Wildlife and Fisheries Commission, Bowman said that hours of strong winds from Hurricane Georges were devastating in Breton Sound east of the Mississippi River.

"The Chandeleur Islands are essentially gone. All the islands were cut in several spots and the islands are just small spots of sand," Bowman said. "As for Breton Island, the only sand left is around the structure that was on the island.

"Grand Gosier Island was cut in half and our major concern is that the island is a major brown pelican rookery."

The brown pelican is the state bird and the symbol on the state flag. Its numbers, decimated by chemical pollution in the 1950s, have been restored by extensive public and private efforts over the last 30 years, and the loss of habitat, especially rookery areas, were reflected in Bowman's report.

He added that Hurricanes Georges and Francis, shoved saltwater from the Gulf of Mexico into freshwater marshlands at Rockefeller and Marsh Island refuges as well as Pointe-au-Chien and Pass-a-Loutre wildlife management areas. All four areas are important winter grounds for ducks and geese, and Bowman said the salt scalding could reduce food sources when the bulk of the migratory waterfowl arrive in Louisiana.

He said staff estimates for structural and general plant damage was \$2.4-\$2.6 million and said the department was working with Federal Emergency Management Agency officials to recover those funds.

State Oyster Study leader Ron Dugas said all oyster grounds east of the Mississippi River were closed by the Department of Health and Hospitals for at least two weeks, and that Wildlife and

Fisheries crews were moving into the area to determine damage to the state's largest oyster-producing area.

Other commission action included:

- Posting a Notice of Intent to change the Seismic Regulations governing oil and gas exploration companies working in the state's coastal areas. Sportsman's, commercial fishing and conservation groups have protested the use of certain seismic practices, notably the use of 3D surveys, claiming they are harmful to hunting and fishing and to coastal habitat.

Marilyn Rotolo, a spokeswoman for the Louisiana Seafood Management Council, a commercial fishing organization, asked that new regulations prohibit 3D seismic work during the 90-day commercial pompano season in Breton Sound.

- For the first time, transferred a commercial mullet permit from Harry Frickey to his son because of physical hardship;
- Learned of the addition of 1,784 acres, 888 of which are in a free-lease agreement with International Paper, to the Little River Wildlife Management Area located on the LaSalle and Grant parishes lines;
- Gave LDWF secretary Jimmy Jenkins Jr. the authority to reopen the recreational red snapper season in state waters if the National Marine Fisheries Service decides to reopen the season in federal waters at any time over the next three months;
- Heard a report that 92 percent of the respondents to proposed changes in the state's goose creeping ban were in favor of doing away with the ban. The commission will vote on the matter at its Nov. 5 meeting;
- Acknowledged an \$87,828.50 donation of Union Pacific Resources to the state Artificial Reef Program;
- And, recognized Boise-Cascade Corporation for their land contribution on the 50th anniversary of the West Bay WMA.

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Baton Rouge, Louisiana

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Published on 10/1/98 Archived on 10/1/98

Snapper back on LWFC agendaBy **JOE MACALUSO**

Advocate outdoors writer

The recreational catch of Gulf of Mexico red snapper returned to the agenda for today's Louisiana Wildlife and Fisheries Commission meeting.

Effective Wednesday, the National Marine Fisheries Service closed the recreational red snapper catch gulfwide, but has left the commercial season open for the first 15 days in October. NMFS indicated commercial fishermen have not caught their quota.

Because there were four tropical storms in the gulf during September, recreational anglers and charter-boat captains asked the Gulf of Mexico Fisheries Management Council to extend the recreational season. That plea was rejected by the GMFMC.

State marine biologist Harry Blanchet said the agenda item is designed to give Wildlife and Fisheries secretary Jimmy Jenkins Jr. the power to reopen the recreational season in Louisiana waters if NMFS determines recreational fishermen did not catch their quota, which was predicted to have been met last Tuesday.

"I'm not saying something is going to happen, but if something happens we need to be ready to reopen the season in state waters," Blanchet said. "Quotas are based on projections, and while it's not likely NMFS will reopen the (recreational) season, it is a possibility that they would reopen for a short period ... it's possible that NMFS, after review of harvest data, could find an unharvested quota was there."

At its September meeting, the LWFC voted to close state waters at the same time NMFS closed federal waters — 12:01 a.m. Wednesday. Mississippi has also voted to close its season, while Florida and Alabama will close their state waters to recreational red snapper catches on Oct. 31.

NMFS also indicated anyone landing a red snapper in federal waters is subject to a fine of \$100 to \$5,000.

Other major agenda items are reports on teal and dove seasons and public comments on goose creeping and the 1999 turkey season.

The meeting is scheduled to convene at 10 a.m. at LDWF

headquarters on Quail Drive.

ON OYSTERS: The LDWF will allow oyster leaseholders to check the status of their leases closed by the Department of Health and Hospitals in the wake of Hurricane Georges.

Leaseholders in the affected area — the east bank of the Mississippi River to the Louisiana-Mississippi state line — will be allowed to have only one dredge-full of oysters at any time and can have no sacks aboard their vessels. This activity will be allowed from one-half hour before sunrise on Oct. 5 to one-half hour after sunset Oct. 6.

TOURNAMENTS ON: Hurricane Georges wasn't enough to cancel two bass tournaments. The 12th-annual Roadrunner Bass Club Open Team is on for Oct. 11 out of the Belle River Landing. Entry fee is \$50. The \$70-a-team Westbank Bassmasters' Hurricane Open is Oct. 25 out of Venice Marina.

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COMMISSION MEETING
ROLL CALL

Thursday, October 1, 1998
Baton Rouge, LA
Wildlife & Fisheries Building

| | Attended | Absent |
|-----------------------|----------|--------|
| Tom Gattle (Chairman) | ✓ | — |
| Tom Kelly | ✓ | — |
| Daniel Babin | ✓ | — |
| Glynn Carver | ✓ | — |
| Bill Busbice | ✓ | — |
| Jerald Hanchey | — | ✓ |
| Norman McCall | ✓ | — |

Mr. Chairman:

There are 6 Commissioners in attendance and we have a quorum.
Secretary Jenkins is also present.

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
October 1, 1998
10:00 AM

1. Roll Call
2. Approval of Minutes of September 3, 1998
3. Presentation of Artificial Reef Check to Department by Union Pacific Resources - Rick Kasprzak
4. West Bay WMA - Recognition of 50 Year Anniversary, Boise Cascade Corp. - Dave Morrison
5. Little River WMA Expansion - Bob Love
6. Notice of Intent - Seismic Regulations - Karen Foote
7. Resolution Providing Secretarial Authority to Reopen Red Snapper Recreational Season and Set New Closure Date - Harry Blanchet
8. Consideration of Mullet Permit Transfer: Harry Frickey - Mike Landrum
9. Enforcement & Aviation Reports/September - Keith LaCaze
10. Division Reports
 - a. Damage Assessment from Tropical Storm Frances and Hurricane Georges
 - b. Reports on Teal and Dove Hunting Seasons
 - c. Public Comments - Goose Creeping and 1999 Turkey Season
11. Set February 1999 Meeting Date
12. Public Comments
13. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
14. Adjournment

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WEST BAY WILDLIFE MANAGEMENT AREA



PROGRAM NARRATIVE

REGION V WILDLIFE DIVISION

**Louisiana Department of Wildlife and Fisheries
1998**



West Bay WMA

**A
Cooperative Partnership
Between**

Private Industries

Boise Cascade Corporation



Louisiana-Pacific Corporation



J. A. Bel *et al.* Quartre Parish Company



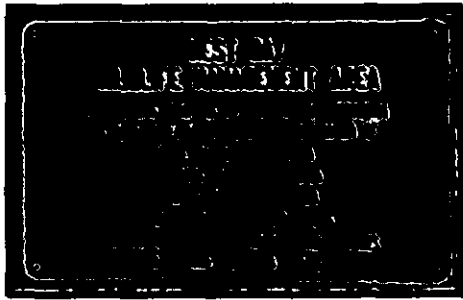
and

Louisiana Department of Wildlife and Fisheries



**Wildlife Division
Region V
John B. Robinette Jr.
1998**

Introduction



West Bay Wildlife Management Area is located in north-central Allen Parish, three miles west of Oakdale, Louisiana. The area consists of 62,115 acres and is owned by Boise Cascade Corporation, Louisiana-Pacific Corporation, and J. A. Bel *et al.* Quatre Parish Company. The area is leased by the Department from these landowners, free of charge, for the purpose of managing the wildlife resources on the area while providing the public with outdoor recreational opportunities. The primary use of

the land by the landowners is for the production of pine timber products. Region V enforcement division has the responsibility of enforcing the LDWF rules and regulation on this area.

Purpose

All activities on West Bay WMA are compatible with the primary purpose for which the Wildlife Management Area systems are established.

- a. To provide for the conservation and management of all wildlife resources within the area.
- b. To provide opportunities for scientific research, environmental education, and wildlife oriented recreation including hunting, trapping, camping, bird watching, nature photography, and other forms of outdoor activities.

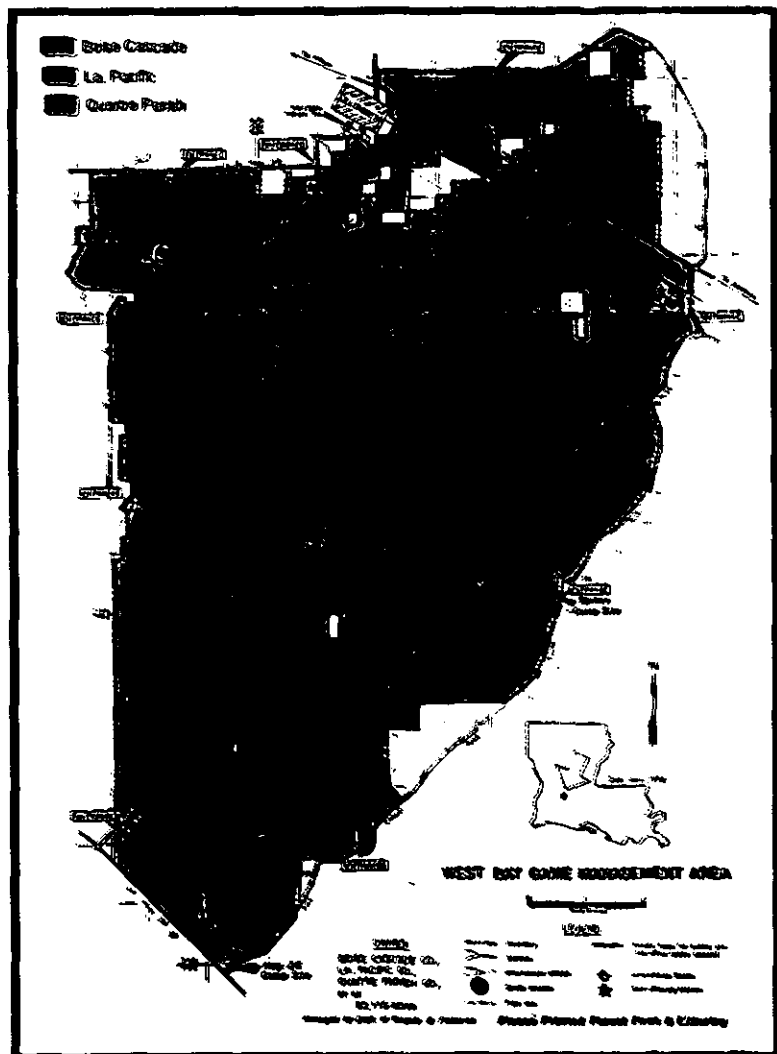


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To fulfill these purposes, the following objectives have been set for West Bay WMA:

Cooperative Partnerships - to develop and maintain a cooperative partnership with the landowners, to fulfill the lease agreements, and develop a working relationship that satisfies the needs of both parties.

Wildlife - to employ management practices and habitat manipulation which will assure the future existence and optimum vigor of all species of wildlife found on the area.

Recreation - to provide a variety of recreational opportunities and public use activities consistent with primary wildlife objectives.

Research - to provide opportunities for management, environmental and ecological research.

Education - to teach and enhance the understanding and appreciation of all components in the total environment, including all of the natural resources.

Habitat Management - to work with the landowner in an attempt to improve habitat conditions and encourage them to incorporate management practices which will enhance the wildlife potential of the area while providing recreational opportunities for the public.

Description



also nutrient poor and poorly drained. Embedded within these level lands are small mounds and ridges as well as areas that slope gently to small drainages.

Longleaf Pine Flatwood Savannah was the predominant historical habitat type. Also present

The dominant soils are within the Guyton-Caddo and Glenmora-Caddo soil mapping unit of the Natural Resource Conservation Service's soil survey of Allen Parish. These medium to strongly acid soils generally have a silt loam surface and a topography that is level to nearly level. They are



was Bayhead Swamp, Cypress Swamp, Mixed Hardwood-Loblolly Pine Flatwoods and Small Stream Forest habitats (See Appendix 1 for detailed descriptions of these habitat types.) Although longleaf pine (*Pinus palustris*) was once the dominant timber type, most habitat types were converted to slash pine (*P. elliotti*) plantations. The overstory now is composed primarily of slash pine, loblolly pine (*P. taeda*), and shortleaf pine (*P. echinata*) pine along with southern red oak (*Quercus falcata*), blackjack oak (*Q. marilandica*), and post oak (*Q. stellata*). Creek bottoms have an overstory composed of water oak (*Q. nigra*), willow oak (*Q. phellos*), white oak (*Q. alba*), American beech (*Fagus grandiflora*), sweetgum (*Liquidambar styraciflua*), and southern magnolia (*Magnolia grandiflora*).

The mid-story plant communities on the sloping hills are very sparse and consist primarily of waxmyrtle (*Myrica cerifera*), yaupon (*Ilex vomitoria*), flowering dogwood (*Cornus florida*), and huckleberry (*Vaccinium spp.*). The mid-story in the creek bottoms varies from sparse to dense depending upon the canopy of the overstory. The mid-story species consist of overstory regeneration as well as red bay (*Persea borbonia*), white bay (*Magnolia virginiana*), red maple (*Acer rubrum*), blackgum (*Nyssa sylvatica*), gallberry (*Ilex coriacea*), and sweetleaf (*Symplocos tinctoria*).

Understory plants of the pineland consist primarily of grasses (bluestems [*Andropogon spp.*], beakrushes [*Rhynchospora spp.*], and panic grasses [*Panicum spp.*]). Honeysuckle (*Lonicera japonica*), greenbriars (*Smilax spp.*), blackberry (*Rubus spp.*), rattanvine (*Berchemia scandens*), and huckleberry are also common.



The timber management practices of the landowners are to produce pine timber products, therefore, much of the area has been converted into pine plantations. These pine plantations range in age from recent clearcut to twenty years old or older growth. The timber is currently managed on a thirty-year rotation, which means from planting to the next clearcut is 30 years. Thinning normally occurs at least twice during the rotation (at about 12 and 20 years). This type of timber management practice has great influence

on the wildlife species and the population of that species on any given area on West Bay WMA. As these pine plantations grow, habitat changes cause fluctuations in the wildlife species and populations that use the area.

Allen Parish still maintains a free ranging livestock ordinance which allows individuals the



right to range cattle and hogs within the parish. The landowners do not give people permission to range livestock within West Bay WMA. It is a difficult problem to address due to the way this parish ordinance is written. If livestock were not present on the area, a more aggressive planting of wildlife food plots would be undertaken.

The landowners control burn about a fifth of the area annually. This practice of control burning reduces forest fires and helps keep the forest undergrowth sparse for timber production, but it also helps to enhance the habitat by producing new vegetational growth utilized by many species of wildlife.



Access to the area can be gained by several roads., LA. Highway 26 on the south boundary, LA. Highway 10 on the northern boundary, and east of the Elizabeth Fire Tower Road. There are numerous gravel roads, which are maintained by the landowners, crisscrossing the area. The boundary lines around the area are erratic and there are several small private landowners within the boundary of the area. This creates approximately 100 miles of boundary lines which have to be maintained annually. The boundary lines are painted with white paint and marked with management area signs. The Elizabeth Fire Tower is located on the area. There are no storage, office, or bunkhouse facilities on the area.

West Bay WMA Lease Agreement

West Bay WMA was first leased from Louisiana-Boyka Lumber Company (18,000 acres) in 1948 making West Bay one of the oldest WMA's in the State. The name of this company has changed several times over the years and is now known as Boise Cascade. The Department leased 30,000 acres from Boise Cascade with in West Bay WMA in the early 1960's. Also in the early 1960's, the Department leased 20,000 acres of land from Kirby Lumber Company which was bought out in the mid 1980's by La. Pacific Corporation and 3,000 acres of land was leased from J. A. Bel, *et al.* Quartre Parish Company. In the late 1980's, additional acreage was leased from Boise Cascade (35,000 acres total) and La. Pacific (24,000 acres total). Today West Bay WMA consists of 62,000 acres leased from three private timber companies free of charge.

Boise Cascade Lease Agreement

A new lease agreement was developed to incorporate all of the 100,000 acres of Boise Cascade property into one document. This lease agreement encompasses all the property owned by Boise Cascade on the three WMA'S known as Boise Vernon, Sabine, and West Bay. This new lease agreement ensured that all of these areas were being operated under the same guidelines for the same lease periods. The document gives the LDWF the right to manage the wildlife resources on these areas and ensures that the public can use these areas for outdoor recreational activities. It also ensures Boise Cascade that the LDWF does not interfere with their

rights and ability to grow and produce timber products. The lease agreement is for a period of five (5) years, but is renewed annually, in May or June, each year. Example: 1995 through 2000, 1996 through 2001, and 1997 through 2002. This type of lease ensures the Department that it can develop long range projects and be able to carry those projects out for the benefit of both wildlife and the public.

In the past, the lease agreement stated that the Department would help maintain roads within these areas by grading 100 miles of roads annually. It was very difficult for area personnel to fulfill this portion of the lease agreement for various reasons (availability of heavy equipment for only short periods of time, unavailability of heavy equipment when needed, frequent breakdown of equipment, and weather and ground conditions unfavorable to operate equipment). In the new lease agreement both parties agreed that the Department would annually mow 100 miles of road sides and ditches. This project, with the purchase of a new tractor and rotary cutter, was more suitable for the Department. Area personnel can mow the roads as weather and time permit thereby doing a much better job over throughout the year. The project is beneficial to Boise Cascade because road right-a-ways are kept open from encroaching vegetation and sunlight penetrating to roadbeds keeps them drier, thus reducing rutting problems and road maintenance. This portion of the lease agreement is working to every ones satisfaction.

Louisiana-Pacific Lease Agreement

The Department has a one year lease agreement with La. Pacific which is renewed annually in May of each year. This agreement is a standard lease which reads basically the same as the Boise Cascade lease. A long-term lease agreement (five-year term) is being developed for this tract of land.

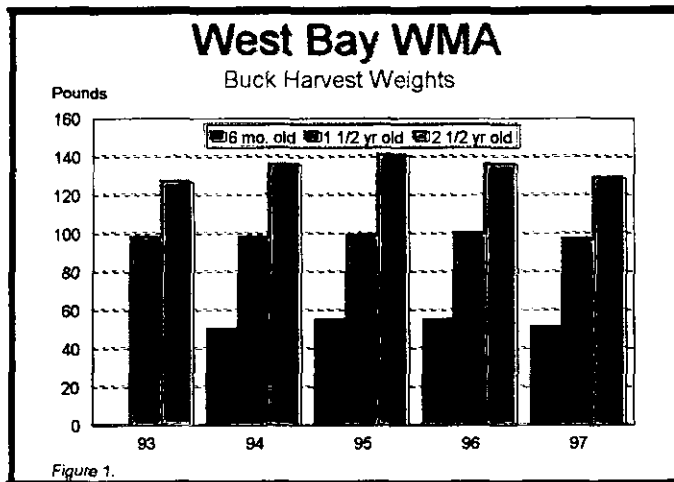
J. A. Bel et al. Quartre Parish Lease Agreement

The Department has a perpetual lease agreement with Quartre Parish. This lease will continue until one of the parties requests in writing that the lease be discontinue. The agreement is a standard lease that incorporates the same basic arrangements as the other lease agreements.

Biological Resources

White-tailed Deer

The white-tail deer population on the area would be considered moderate to high. The diversity of habitat ranging from mature pine trees to many different ages of pine plantation to hardwood creek bottoms gives this area the ideal habitat condition to support high numbers of deer. The quality of individual animals is adversely impacted by the generally poor soil fertility in

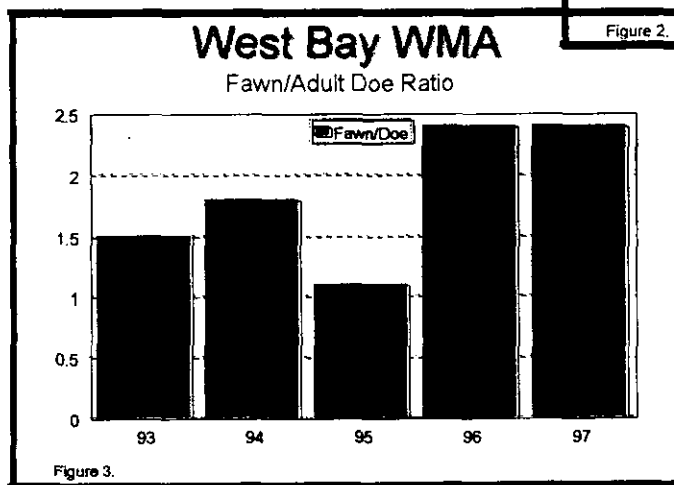
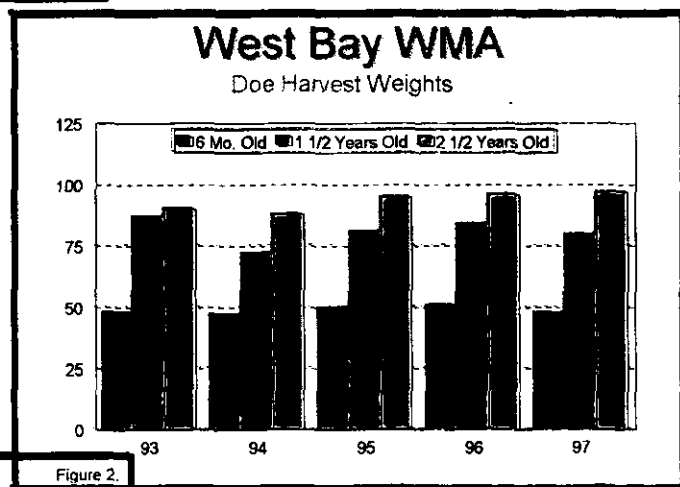


this area of the State, but overall the deer are in good shape.

Adult males average about 135 pounds, and females about 90 pounds (Tables 1 and 2 and Appendices 2 and 3). Doe/Fawn ratios are high which indicates good reproducing is occurring (Table 3). The largest male deer harvested during the 1997 either-sex managed hunt was 185 pound 8 point. Deer rut occurs in late September through October in southwest Louisiana.

Turkey

The turkey population was moderate in the mid-1970's and the area had a turkey season with 10-15 gobblers harvested annually. However, the habitat changed dramatically during the 1980's due to the clearcutting of large acreages of older timber and conversion to pine



monoculture. As a consequence, the turkey population declined sharply and the turkey season was closed.

Small groups of birds remained in isolated areas across West Bay WMA, mainly along the creeks. As the timber matures across the area, this remnant population of turkeys has responded to the habitat changes and is increasing in numbers. When the turkey population

reaches a size sufficient to sustain hunting, a limited lottery hunt will be scheduled.

Fox and Gray Squirrels

The habitat types represented on West Bay WMA supports both gray and fox squirrels.

Their primary habitats are the remaining hardwood and mixed pine/hardwood areas. Since most of the area is planted in monoculture pine plantations, squirrel populations are considered low due to the limited habitat. Several hundreds of man-days are spent by the public hunting and camping on the area in pursuit of squirrels each year.

Northern Bobwhite

The quail population is directly influenced by timber management and weather. The best quail habitats are older pine timber with scattered hardwoods and recent clearcuts with hardwood drains. Two of the Department's fall covey survey routes border and traverse the area. The number of birds heard has declined on 1 route and remained stable on the other. The decline is thought to be mainly associated with the pine plantations growing out of quail habitat. Nevertheless, the overall quail population is considered moderate. Hunting opportunities exist but few people actively participate in the hunting of these birds.

Rabbit

The populations of both swamp and cottontail rabbits on the area are high and until recently few hunters devoted much time in pursuit of this animal. Rabbit hunting has become more popular on the area since the Department opened a special rabbit season that allows the use of beagle dogs. Clearcuts up to three years-old are excellent rabbit habitats in which hunters can have good hunting results. It is believed that rabbit hunting with dogs on this area will become more popular in the future.



Dove

Dove nest on the area in hardwoods, pines, and on the ground. However, the timber management practices greatly influence the number of migrating doves on the area. Recent clearcuts sometimes attract large numbers of doves into the area because of the invasion of seed-producing plants such as panic grass and goatweed (*Croton capitatus*), excellent dove foods. Weather also influences dove numbers on the area and therefore makes dove hunting unpredictable. The birds move with frontal passages and their time on the area is generally limited. Largest numbers generally are seen during the months of October through January. Hunters on occasion have good success.

Waterfowl

Several beaver ponds and small creeks offer limited use of the area by waterfowl. Although a number of species of ducks may use the area, wood ducks are the primary species because of the small size of the wetlands. A few wood ducks are harvest from these areas each year.

Woodcock

The woodcock numbers on the area are directly influenced by weather conditions and habitat. These birds move back and forth following the cold weather patterns. Highest use by woodcock generally occurs during December and January, particularly in cold, wet years. Woodcock do not use West Bay to a great extent in dry years because the bird must be able to probe for worms, its primary food. Best woodcock habitat includes recently thinned hardwood areas and young pine stands on wetter sites. Hunting opportunities exist but few people will pursue these birds on the area.

Furbearers

The area supports good numbers of furbearers such as raccoon, mink, bobcat, and coyote. Trapping is allowed on the area, but permits are required from the Lake Charles office and a trapping report must be submitted at the end of the trapping season. All traps must be run daily. Primary species of interest include raccoon, mink, and bobcat. No great effort is expended to trap this area due to the recent low fur prices.

Non-Game



Non-game wildlife occurring on West Bay are predominantly those associated with young pine forests and clearcuts. Species such as the Carolina chickadee (*Parus carolinensis*), tufted titmouse (*Parus bicolor*), and Carolina wren (*Thryothorus ludovicianus*) are common (Appendix 4).

Species of Special Concern

No rare animals or rare plants are known at the present time from West Bay WMA.

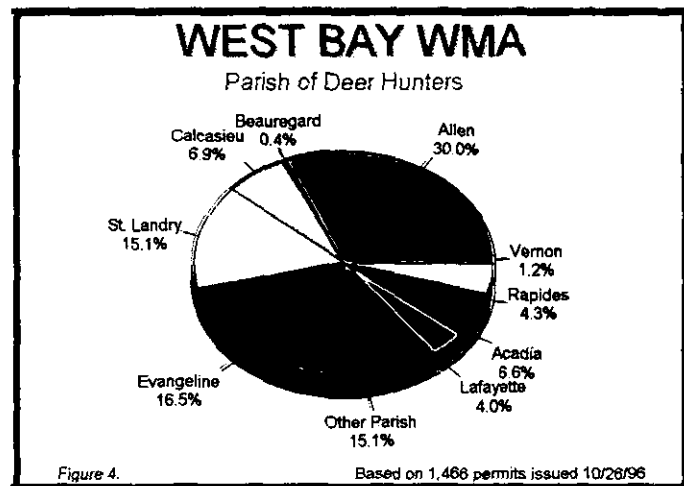
Management Activities

Management objectives and activities are largely limited to providing public access and recreational opportunities because the property is leased and the Department does not have control of land management issues.

Hunting Seasons Overview

Game species available for hunting are deer, squirrel, rabbit, turkey, quail, dove, and woodcock. The hunting seasons on the area are essentially the same as that of the surrounding parish seasons except for the deer hunting season which is shorter in duration. The Department offers the public several types of deer hunting opportunities on this area. Presently there is no turkey hunting season on the area.

Sportsmen from all over the State come to hunt West Bay WMA, but those people who live in Southwest Louisiana utilize the area most (Figure 4). The area has four camping areas that are heavily used by the public in October and November. The Department furnishes toilets and trash dumpsters during most of the hunting seasons on the most used camping areas.



White-tailed Deer

Archery season on West Bay WMA is the same as the outside season for that portion of the State within deer hunting area 2. Either-sex deer may be taken at any time during the archery season except when bucks only seasons are in progress on the area. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress. Archery hunters harvest 20 to 30 deer annually.



A special youth either-sex deer season is opened to youngsters under the age of 16. The season is usually scheduled for a weekend in mid October. Daily permits are required and the youth must have in their possession a hunter safety certification certificate or proof of completion of a hunter safety course. Additionally, an adult must accompany the youth and supervise the youth during the hunt. These hunts have been well received with an average of over 250 participants annually (Table 1).

Deer hunting seasons on West Bay WMA are now scheduled to put deer hunters in the woods during the deer rutting period and a better overall deer harvest has resulted by

moving the deer season on the area from late November to October.

A managed either-sex deer hunt, with daily permits required, is opened to all hunters the last weekend in October. All hunters must check in and out at one of the three permit stations-- off LA Highway 112 (Wolf Bay camping area), just north of LA Highway 26 on the Elizabeth Fire Tower Road, or south of LA Highway 10 at the caution light west

West Bay WMA

Youth Either-sex Managed Deer Hunt

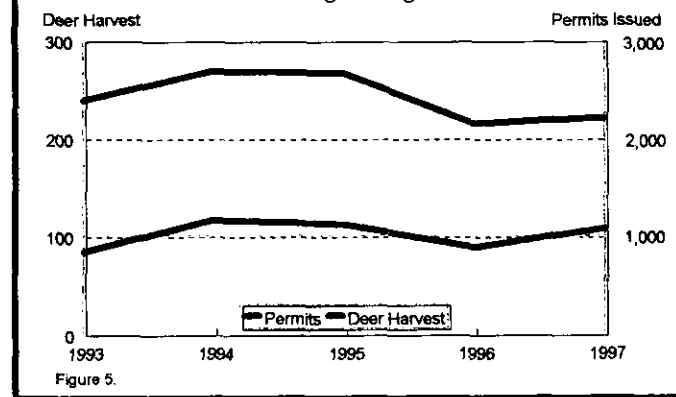
| Year | Permit Issued | Total Deer | Harvest | Deer | Deer |
|--------------|---------------|------------|-----------|-----------|-------------|
| 1989 | 315 | 17 | 12 | 5 | 19/1 |
| 1990 | 287 | 17 | 14 | 3 | 17/1 |
| 1991 | 290 | 11 | 7 | 4 | 26/1 |
| 1992 | 320 | 7 | 3 | 4 | 46/1 |
| 1993 | 223 | 10 | 7 | 3 | 22/1 |
| 1994 | 260 | 7 | 5 | 2 | 37/1 |
| 1995 | 112 | 8 | 4 | 4 | 14/1 |
| 1996 | 226 | 11 | 8 | 3 | 21/1 |
| 1997 | 249 | 19 | 10 | 9 | 13/1 |
| TOTAL | 2282 | 107 | 70 | 37 | 21/1 |

Table 1.

Two day (week-end) hunt

West Bay WMA

Permits Issued During Managed Deer Hunts



of Oakdale. The permit stations are opened from 4:30 a.m. to around 8 PM. both days. Permits are also issued the evening before the hunt to reduce crowds. About 250 people utilize this hunt and they harvest about 100 deer (Figure 5 and Appendices 5, 6, and 7).

In addition, the three days after Thanksgiving are also opened to either-sex deer hunting. Hunters use self-clearing permits for this hunt. Approximately 800 to 1000 permits are issued and 20 to 30 deer are harvested

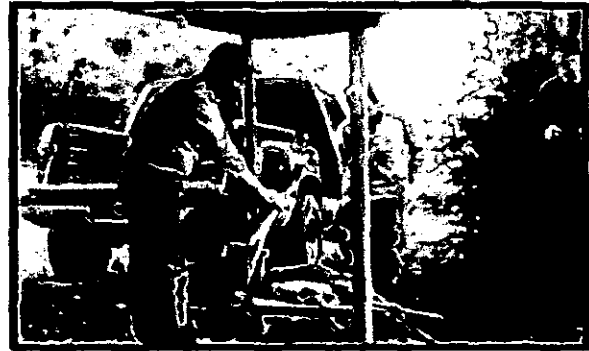
during this hunt on the area.

The area has a "Bucks Only" deer hunting season during the other portions of November. Hunting licenses serve as their permit to hunt during this season. Several thousand man-days of deer hunting occurs during this hunt with 50 to 75 deer being harvested.

A special muzzleloader either-sex deer season is offered the first week of December. Hunting licenses also serve as their permit to hunt during this season. Little hunting participation occurs during this hunt and very few deer are harvested.



Deer harvest has remained stable around 200-250 annually over the past five years with some quality animals have been taken each year from this area. Harvested game interviews are conducted by area personnel. These interviews include number of animals harvested, sex, age class, physical conditions, and reproductive data for all species on West Bay WMA. Interviews include parish domicile of hunters using the area.



This information is collected by personnel through hunter and user field interviews, self-clearing permits, and managed check stations. Hundreds of users are interviewed annually on West Bay WMA.

Monitoring of the deer weights by age class, antler development in the male segment, and reproductive parameters are on going projects. Deer range plant browse surveys and

hard mast inventories also are conducted annually. Parasite and disease levels are monitored through blood samples and abomasal stomach content collections.

Food Plots

Approximately 20 acres of food plots are planted annually. These food plots are planted in the spring with browntop millet and the fall with winter wheat. Additional food plots will be established for turkeys and will be fenced to protect them from free-ranging livestock. Years ago about 15 food plots were planted. Each plot was about a half acre in size, but these plots were abandoned due to problems with livestock on the area.



Other Recreational Activities

The area offers other outdoor activities such as bird watching, fishing (there are several small ponds located across the area), camping, and horseback riding. The area is used by many groups to hold horseback trail rides. The "Christmas in the Country" trail ride draws thousands of

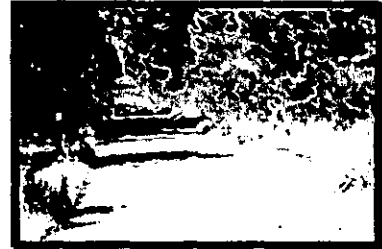
people with around 1,000 horses participating from all over the United States each year. The area has some unique plants and animals found within boggy sites and wet hillside seep areas. With the exception of the "Christmas in the Country" trail ride, many of these activities are never utilized by the public because the area is not located near a large city.

Public Use Facilities

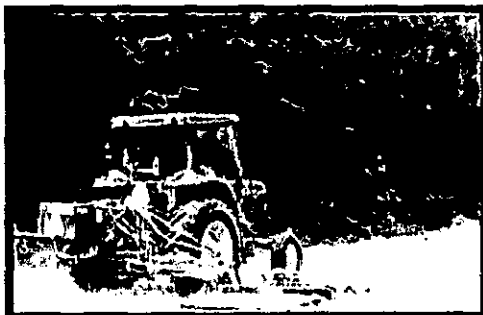
Roads



There are many roads which cross the area. Most of the roads are unimproved gravel or dirt roads and are maintained by the landowners.



At the request of the landowners, several roads have been closed to public traffic. Gates have been installed on some of the roads while others have been posted with "No Wheel or Track Vehicles Beyond This Point" signs. The road closures are intended to stop trash dumping which was becoming a problem on this area. These road closures had a great success in



stopping the trash problem.

Many hunters have enjoyed better hunting opportunities and hunting success with the closed road program. Boise Cascade has furnished material to build gates when needed and has supplied locks upon request. As stated earlier in this report, the Department is obligated to mow 100 miles of road sides or ditches annually as agreed to within the lease agreements. Landowners choose the roads they wish to be mowed each year.

ATV Use

There are no special ATV trails on the area. All vehicles, including ATV's, must travel the roads which are shown on the map of the area. Physically challenged people may obtain a special permit which allows these people to travel any roads whether opened or closed to the public.

Boundary Lines



There are approximately 100 miles of boundary lines which are maintained on West Bay WMA. The boundary lines on the area are very irregular in shape. Several highways cross the area requiring each side of the highway to have to be marked. Area personnel repaint the white boundary lines and install new boundary line signs when needed on about one fourth of the boundary annually.

Camping Area

Four camping area are available for public use. These campground are located off LA. Highway 112 Wolf Bay Camp site (north-west Corner), LA. Highway 26 (south-east Corner), Tom Jeff Road next to Ten Mile Creek (north-west Corner), and off River Road Willie Spikes Camp Site (east side). The campgrounds are a primitive camping site with useable hand pump water wells except the site next to Ten Mile Creek. The Department furnishes toilets and dumpsters during the months of October and November at the Wolf Bay and Willie Spikes Camp ground. The camping areas are mowed several times during the summer and prior to the opening of squirrel season. Campers can stay in the campground for 16 consecutive days. Campsites must be cleaned by occupants prior to leaving.



Mineral Exploration

There had been no mineral exploration on this area for years. Recently numerous oil and gas producing wells have been drilled. Besides the wells, numerous pipelines have been laid, which have caused impact on the wildlife habitat of the area. Even though the Department has no jurisdiction over mineral exploration, area personnel still monitor these activities.

Immediate Needs

The most immediate needs for this area are to employ additional staff and acquire

equipment needed for the management of the wildlife resources and fulfill the lease agreements on this area.

Summary

West Bay WMA represents a unique cooperative working partnership between private industries such as Boise Cascade Corporation, Louisiana-Pacific Lumber Company, Quatre Parish Lumber Company, and the Department of Wildlife and Fisheries in providing outdoor recreational activities to the public.

The LDWF as the managing agency for the West Bay WMA wildlife resources has developed guidelines, formulated management plans, and assembled meaningful biological parameters while incorporating the timber management practices of the landowners. Our challenge will be to assimilate all aspects in a manner which will preserve and enhance the well-being of the resources and provide a better quality of life for the consumptive and non-consumptive users for present and future generations.

USER DAYS
Recreational Use of Wildlife Management Areas

Area: West Bay Wildlife Management Area

Period Covered: July 1, 1996 - June 30, 1997

| Hunting | Daily Permit | Questionnaire Interview | Estimated |
|-----------------------------|--------------|----------------------------|-----------|
| Deer (gun) | 3752 | 61 | 3000 |
| Deer (bow) | | | 1000 |
| Deer (muzzle loader) | | | 100 |
| Squirrel | | | 1500 |
| Rabbit | | | 1000 |
| Quail | | | 100 |
| Dove | | | 50 |
| Waterfowl | | | 25 |
| Woodcock | | | 50 |
| Snipe | | | |
| Rail | | | |
| Gallinule | | | |
| Raccoon | | | 25 |
| Turkey | | | |
| Fishing | | | |
| Sport fishing (fresh) | | | 50 |
| Sport fishing (salt) | | | |
| Commercial fishing | | | |
| Crawfishing | | | |
| Crabbing | | | |
| Frogging | | | |
| Shrimping | | | |
| Other | | | |
| Trapping | | | 100 |
| Field Trials | | | 50 |
| Camping | | | 5000 |
| Boating | | | |
| Sky diving | | | |
| Motor bikes | | | |
| Bird watching | | | 20 |
| Horse back riding | | | 3000 |
| Hiking | | | |
| Sight seeing | | | 100 |
| TOTAL MAN-DAYS | 3752 | 61 | 15170 |
| GRAND TOTAL MAN-DAYS | 18983 | | |

West Bay

| Work Item | Description | Man days | FY98 Costs | Total 5-year Costs* |
|--|---|----------|------------|---------------------|
| Buildings | Upkeep of various physical plants associated with the WMA | 8 | \$3,280 | \$19,025 |
| Dams, Dikes, Levees | | | \$ 0 | \$ 0 |
| Bridges | | | \$ 0 | \$ 0 |
| Roads and Trails | Maintenance of all Roads (ATV and all weather) associated with the WMA | 50 | \$20,501 | \$ 118,909 |
| Public Use Facilities | Maintenance of campgrounds etc. | 8 | \$ 3,280 | \$ 19,025 |
| Boundary Marking (Signs) | Maintain 100 miles of boundaries and other signs as appropriate. | 12 | \$ 4,920 | \$ 28,538 |
| Reforestation | | | \$ 0 | \$ 0 |
| Wildlife Plantings | Disc and plant 40 acres/year | 10 | \$ 4,100 | \$ 23,782 |
| Vegetation Control and Management | | | \$ 0 | \$ 0 |
| Habitat Management through removal of pest species | | | \$ 0 | \$ 0 |
| Firebreaks | | | \$ 0 | \$ 0 |
| Timber Management | | | \$ 0 | \$ 0 |
| Project Administration | Planning, supervisor, and clerical support for administration of the project. | 30 | \$12,301 | \$ 71,345 |
| Managed Hunts (Data Collection) | Permit hunts for deer and other species as appropriate | 20 | \$ 8,201 | \$ 47,563 |
| Biological information | | 10 | \$ 4,100 | \$ 23,782 |
| Public Hunts (Data Collection) | Collection of data throughout all hunting seasons. | 70 | \$28,702 | \$ 166,472 |
| Acquisitions | | | | \$ 30,000 |
| Major Repairs | | | | \$ 10,000 |
| Total | | 218 | \$89,387 | \$558,442 |

West Bay WMA 1996-97 Expenditures

Current Staffing

| | |
|----------------------------------|-----------|
| Wildlife Management Supervisor I | Full Time |
| (On workman Comp. since 7/7/97) | |
| Wildlife Biologist 3 | Part Time |
| Biologist Supervisor | Part Time |

Expenditures

| | |
|-----------------------------------|------------|
| Salaries and Related Budgets | \$53,293 |
| (Two full time employees 1996-97) | |
| Operating services | 5,207 |
| Supplies | 5,135 |
| Acquisition (New Vehicle) | 19,608 |
| Major Repair | <u>588</u> |
| Total | \$83,830 |

Funding

Federal funding - Pittman Robertson Federal Aid
State funding - Conservation LDWF

Natural Communities

The following natural plant communities are present on the area or were present on the area historically. This group of communities made up the entire landscape of the WMA historically.

Bayhead Swamp

Status: High-quality examples are rare to apparently secure in the state.

Bayhead Swamp are typically densely stocked, often-flooded forested wetlands that develop in broad, shallow drains and relatively deep depressional areas in pine flatwoods regions, and in the upper reaches of creeks in sandy, acidic uplands across much of the state. They are seasonally to semi-permanently saturated or flooded, and naturally vary in size from a few acres up to more than 100 acres. In the flatwoods, Bayhead Swamps typically occupy the lowest positions on the landscape, other than the principal permanent streams that drain the area. Outside of the flatwoods, they most often result from the geological and hydrological characteristics of stream headwaters in sandy hills. In these areas, relatively little water runs off the uplands, rather most penetrates the soil and eventually seeps into the floodplain along its perimeter. In the longleaf pine hills, Bayhead Swamps often occupy the stream bottom just downslope from hillside seepage bogs. The overstory is typically characterized by a closed to almost closed canopy and is very often dominated by sweetbay (*Magnolia virginiana*), swamp blackgum (*Nyssa biflora*) and, at times, laurel oak (*Quercus laurifolia*). Some other trees and shrubs that are common include red maple (*Acer rubrum*), American holly (*Ilex opaca*), sweetgum (*Liquidambar styraciflua*), tulip-tree (*Liriodendron tulipifera*), southern magnolia (*Magnolia grandiflora*), slash pine (*Pinus elliottii*, southeast LA), bald cypress (*Taxodium distichum*), pond cypress (*Taxodium ascendens*, southeast LA), titi (*Cyrilla racemiflora*), big-leaf gallberry (*Ilex coriacea*), rough winterberry (*Ilex verticillata*), Virginia willow (*Itea virginica*), wax-myrtle (*Myrica cerifera*), bigleaf wax-myrtle (*M. heterophylla*), red bay (*Persea borbonia*), poison sumac (*Rhus vernix*), summer azalea (*Rhododendron viscosum*, southeast LA; *R. oblongifolium*, west LA) and possum-haw viburnum (*Viburnum nudum*). There are numerous sedges (Cyperaceae) and ferns (Pteridophyta) in the understory, and sphagnum moss (*Sphagnum* spp.) often forms thick mats. Some orchids, such as southern rein orchid (*Platanthera flava*), can be quite common.

The Big Bay area of Allen parish was probably named for a large bayhead swamp and associated forested habitats that dominated the area prior to forest clearing early this century.

Cypress (-Tupelo) Swamp

Status: Apparently secure in the state.

Cypress (-Tupelo) Swamps are semi-permanently flooded forested wetlands of backswamp alluvial settings, dominated by southern bald cypress (*Taxodium distichum*) and at times also by water tupelo (*Nyssa aquatica*). One or the other may be dominant to the almost complete exclusion of the other. Spanish moss (*Tillandsia usneoides*) is often conspicuously draped on trees. Other trees present may include Drummond red maple (*Acer rubrum* var. *Drummondii*), black willow (*Salix nigra*), and green ash (*Fraxinus pennsylvanica*). Shrubs growing in the midstory and understory may include water elm (*Planera aquatica*), swamp privet (*Forestiera acuminata*), button-bush (*Cephalanthus occidentalis*) and Virginia willow (*Itea virginica*). Sedges (Cyperaceae) and various ferns (Pteridophytes) are common on stumps and fallen logs, and duck weeds (Lemnaceae) often form large floating mats on the water. Submerged/floating aquatics are common. The overall diversity of plant species is typically low.

Mixed Hardwood-Loblolly Pine Flatwoods

Status: Mature, high-quality examples are rare in the state.

Mixed Hardwood-Loblolly Flatwoods occupy broad, poorly-drained flats in flatwood physiographic areas that are not in active floodplains. In many cases, such sites may be referred to as "second bottoms" (relatively near a stream but not in the floodplain), although flatwoods are often not associated with streams. Soils are typically silt loams, and are often a mix of hydric (wetland) and non-hydric soils. Fire probably played a relatively minor role in this forest type historically. Some common trees include willow oak (*Quercus phellos*), water oak (*Q. nigra*), swamp chestnut oak (*Q. michauxii*), cherrybark oak (*Q. pagoda*), laurel oak (*Q. laurifolia*), post oak (*Q. stellata*), white oak (*Q. alba*), loblolly pine (*Pinus taeda*), red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), black gum (*Nyssa sylvatica*), winged elm (*Ulmus alata*), ironwood (*Carpinus caroliniana*) and American holly (*Ilex opaca*). There can be a variety of other tree species present, the mix of species in any one place varying principally with relative wetness of the site. A variety of shrubs may be present, including arrow-wood (*Viburnum dentatum*), elderberry (*Sambucus canadensis*), Virginia willow (*Itea virginica*) and others. The herbaceous understory is typically poorly developed.

At Big Bay WMA, this habitat was probably present historically in a complex with bayhead swamp

Longleaf Pine Flatwood Savannah

Status: High-quality examples are rare to extremely rare in the state.

Longleaf Pine Flatwood Savannahs ("pine savannahs") are floristically rich, herb dominated wetlands, that are naturally sparsely stocked with longleaf pine (*Pinus palustris*). They historically dominated the outer Gulf coastal plain Flatwoods regions of southeast and southwest Louisiana. Pine savannahs are found naturally on broad flats in an interdigitated mosaic with more densely-stocked longleaf pine flatwoods (not wetland), savannahs occupying the poorly

drained and seasonally saturated/flooded depressional areas, while the non-wetland flatwoods occupy the better drained slight rises, low ridges and "pimple mounds" (these found only in southwestern Louisiana). Pine savannahs are subject to a highly fluctuating water table, from surface saturation and shallow flooding in late fall/winter/early spring, to growing-season droughtiness. This plant community is referred to by some as flatwood bogs. The habitat is most often dominated by numerous types of grasses and sedges, but is noted for its interesting collection of insectivorous plants and showy orchids, lilies and others, and for its very high floristic diversity. Many of the plants known from pine savannahs are restricted to this habitat or closely allied hillside seepage bogs. There are more kinds of rare plant species in Longleaf Pine Flatwood Savannahs than any other habitat in the state. Some characteristic plant species include beak-sedges (*Rhynchospora* spp.), nut-rushes (*Scleria* spp.), tooth-ache grass (*Ctenium aromaticum*), panic grasses (*Dichanthelium* spp.; *Panicum* spp.), switch grass (*Panicum virgatum*), pitcher-plant (*Sarracenia alata*; in eastern Florida Parishes), pinebarren tridens (*Tridens ambiguus*), bog-buttons (*Eriocaulon* spp.), fringed orchids (*Platanthera* spp.), milkworts (*Polygala* spp.), yellow-eyed "grasses" (*Xyris* spp.), blue-eyed "grasses" (*Sisyrinchium* spp.), meadow-beauties (*Rhexia* spp.), sun-dews (*Drosera* spp.), sun-bonnet (*Chaptalia tomentosa*), pale boneset (*Eupatorium leucolepis*), butterworts (*Pinguicula* spp.), and narrow-leaved tickseed (*Coreopsis linifolia*).

This habitat was common historically on the area on Caddo-Messer soils of West Bay WMA, but has been replaced by commercial pine plantations of loblolly and slash pine (*Pinus elliotii*).

Small Stream Forest

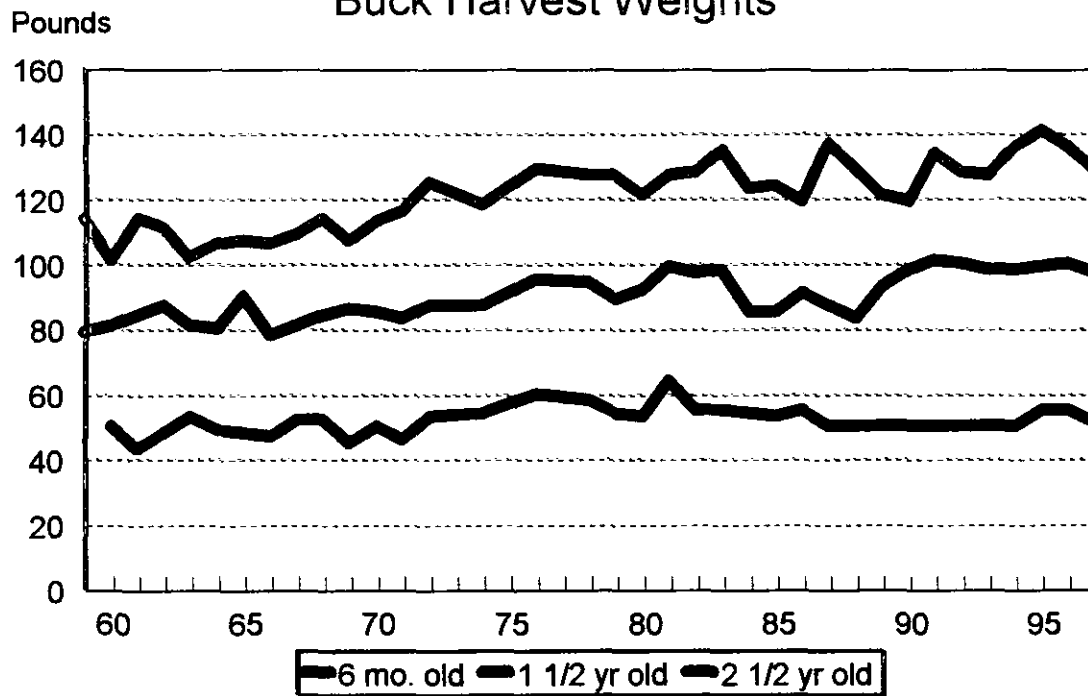
Status: High-quality examples are rare to apparently secure in the state.

Small Stream Forests are found in the average annual floodplain along small to intermediate-sized perennial streams throughout the state, and vary in composition principally due to varying soil and geologic conditions, and due to the relative size of floodplains and consequent flooding regimes. Such forests are usually quite diverse in woody plant species. Some major overstory species commonly encountered, depending on locality in the state, soils/geology and floodplain size, are white oak (*Quercus alba*), cow oak (*Q. michauxii*), water oak (*Q. nigra*), laurel oak (*Q. laurifolia*), willow oak (*Q. phellos*), cherrybark oak (*Q. pagoda*), shumard oak (*Q. shumardii*), beech (*Fagus grandifolia*), southern magnolia (*Magnolia grandiflora*), loblolly pine (*Pinus taeda*), spruce pine (*P. glabra*), sweetbay (*M. virginiana*), black gum (*Nyssa sylvatica*), sweetgum (*Liquidambar styraciflua*), sycamore (*Platanus occidentalis*), red maple (*Acer rubrum*), ironwood (*Carpinus caroliniana*), southern sugar maple (*Acer barbatum*), chalk maple (*A. leucoderme*), river birch (*Betula nigra*), winged elm (*Ulmus alata*), white ash (*Fraxinus americana*), water ash (*F. caroliniana*), pignut hickory (*Carya glabra*), bitternut hickory (*C. cordiformis*), honey locust (*Gleditsia triacanthos*), basswood (*Tilia americana*), tulip tree (*Liriodendron tulipifera*), red mulberry (*Morus rubra*) and others. The midstory and understory is relatively diverse in shrubs. The herbaceous cover is often minimal; ferns, sedges, grasses and

specialized forbs dominate the herbaceous plants of the understory. The complement of species in all strata varies strongly with soil texture (sands to clays) and relative base saturation (acid vs. alkaline) of soils within the floodplain.

West Bay WMA

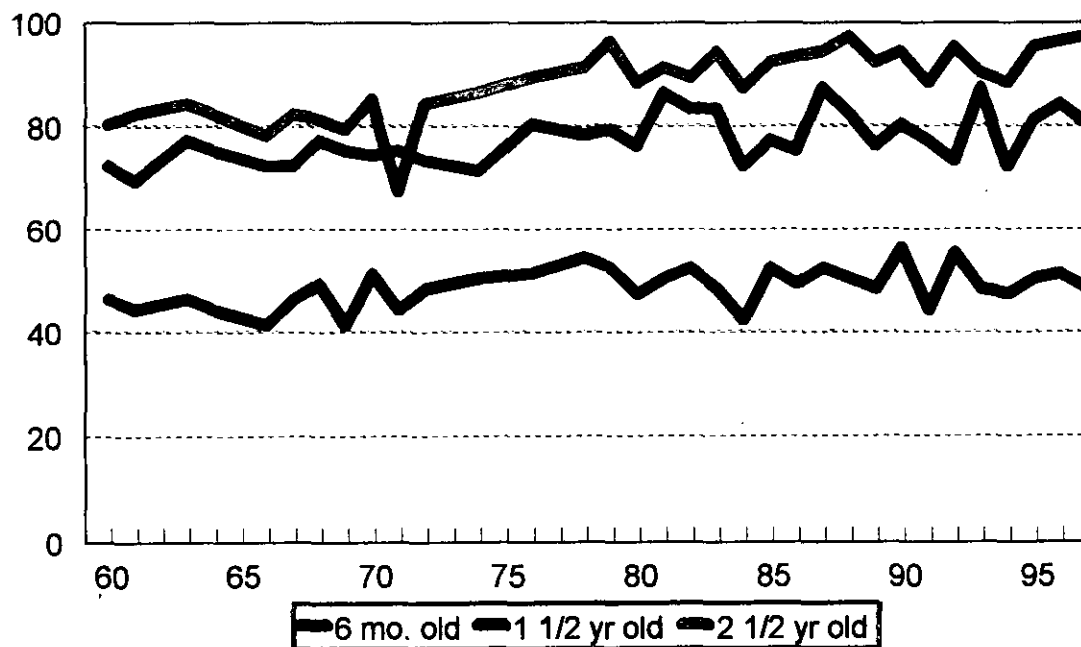
Buck Harvest Weights



Appendix 2.

West Bay WMA

Doe Harvest Weights



Appendix 3

Appendix 4. PRELIMINARY CHECKLIST OF BIRDS - WEST BAY WMA

W = Winter - Dec., Jan., Feb.

Sp = Spring - March, April, May

Su = Summer - June, July, August

F = Fall - Sept., Oct., Nov.

C = common, should be seen in appropriate habitat

U = uncommon, present in small numbers in appropriate habitat

O = occasional, seen infrequently every year

R = rare, not seen often, not present every year

| SPECIES | W | Sp | Su | F |
|---------------------------|---|----|----|---|
| Green Heron | | O | O | O |
| Black Vulture | U | U | U | U |
| Turkey Vulture | C | C | C | C |
| Swallow-tailed Kite | | R | R | R |
| Mississippi Kite | | O | O | O |
| Sharp-shinned Hawk | U | U | | U |
| Cooper's Hawk | U | U | R | U |
| Red-shouldered Hawk | O | O | O | O |
| Broad-winged Hawk | | U | O | U |
| Red-tailed Hawk | C | U | O | U |
| American Kestrel | U | U | O | U |
| Merlin | R | | R | |
| Wild Turkey | O | O | O | O |
| Northern Bobwhite | O | O | O | O |
| Killdeer | O | O | O | O |
| American Woodcock | O | O | | O |
| Mourning Dove | O | O | O | O |
| Black-billed Cuckoo | | O | | O |
| Yellow-billed Cuckoo | | U | U | U |
| Barn Owl | R | R | R | R |
| Eastern Screech-Owl | O | O | O | O |
| Great Horned Owl | O | O | O | O |
| Barred Owl | O | O | O | O |
| Common Nighthawk | | O | O | O |
| Chuck-will's-widow | | O | O | O |
| Whip-poor-will | | R | | R |
| Chimney Swift | | U | U | U |
| Ruby-throated Hummingbird | U | U | U | |
| Red-headed Woodpecker | O | U | U | U |
| Red-bellied Woodpecker | C | C | C | C |
| Yellow-bellied Sapsucker | U | U | | U |
| Downy Woodpecker | U | U | U | U |

| SPECIES | W | Sp | Su | F |
|-------------------------------|---|----|----|---|
| Hairy Woodpecker | O | O | O | O |
| Northern Flicker | O | O | O | O |
| Pileated Woodpecker | O | O | O | O |
| Eastern Wood-Pewee | U | U | U | |
| Acadian Flycatcher | | O | O | O |
| <i>Empidonax</i> species | | U | | U |
| Eastern Pheobe | C | O | | U |
| Great Crested Flycatcher | | U | U | U |
| Eastern Kingbird | | U | U | U |
| Purple Martin | U | U | U | |
| Tree Swallow | U | U | | U |
| Northern Rough-winged Swallow | | U | O | U |
| Bank Swallow | | O | | O |
| Barn Swallow | | U | U | U |
| Blue Jay | C | C | C | C |
| American Crow | C | C | C | C |
| Fish Crow | U | U | U | U |
| Carolina Chickadee | C | C | C | C |
| Tufted Titmouse | C | C | C | C |
| Red-breasted Nuthatch | R | R | | R |
| Brown-headed Nuthatch | U | U | U | U |
| Brown Creeper | O | R | | R |
| Carolina Wren | C | C | C | C |
| House Wren | C | U | | U |
| Winter Wren | O | O | | O |
| Sedge Wren | R | R | | R |
| Golden-crowned Kinglet | U | U | | U |
| Ruby-crowned Kinglet | C | C | | U |
| Blue-gray Gnatcatcher | U | U | U | U |
| Eastern Bluebird | U | U | U | U |
| Veery | | O | | O |
| Gray-cheeked Thrush | O | | O | |
| Swainson's Thrush | | O | | O |
| Hermit Thrush | U | O | | O |
| Wood Thrush | | U | U | U |
| American Robin | U | U | O | U |
| Gray Catbird | R | U | R | U |
| Northern Mockingbird | U | U | U | U |
| Brown Thrasher | U | U | U | U |
| American Pipit | O | | | |
| Cedar Waxwing | U | U | | O |
| Loggerhead Shrike | O | O | O | O |
| White-eyed Vireo | R | C | C | C |
| Blue-headed Vireo | U | O | | O |

| SPECIES | W | Sp | Su | F |
|------------------------------|---|----|----|---|
| Yellow-throated Vireo | | U | U | U |
| Warbling Vireo | | O | | O |
| Philadelphia Vireo | | O | | O |
| Red-eyed Vireo | | U | U | U |
| Blue-winged Warbler | U | | U | |
| Golden-winged Warbler | | R | | R |
| Tennessee Warbler | | U | | U |
| Orange-crowned Warbler | U | O | | O |
| Nashville Warbler | | R | | R |
| Northern Parula | | O | O | O |
| Yellow Warbler | | O | | O |
| Chestnut-sided Warbler | | O | | O |
| Magnolia Warbler | | O | | O |
| Black-throated Blue Warbler | | R | | R |
| Yellow-rumped Warbler | C | C | | U |
| Black-throated Green Warbler | | O | | O |
| Blackburnian Warbler | O | | O | |
| Yellow-throated Warbler | | O | O | O |
| Pine Warbler | C | C | C | C |
| Prairie Warbler | | O | O | O |
| Palm Warbler | R | O | | O |
| Bay-breasted Warbler | O | | O | |
| Blackpoll Warbler | | O | | |
| Cerulean Warbler | | R | | R |
| Black-and-white Warbler | | O | | O |
| American Redstart | | O | | O |
| Prothonotary Warbler | O | O | O | |
| Worm-eating Warbler | O | | O | |
| Swainson's Warbler | | O | | O |
| Ovenbird | | O | | O |
| Northern Waterthrush | | O | | O |
| Louisiana Waterthrush | | O | | O |
| Kentucky Warbler | | O | O | O |
| Common Yellowthroat | O | U | U | U |
| Hooded Warbler | | U | O | U |
| Wilson's Warbler | | O | | O |
| Canada Warbler | | R | | O |
| Yellow-breasted Chat | C | C | C | |
| Summer Tanager | | O | O | O |
| Scarlet Tanager | | O | | O |
| Northern Cardinal | C | C | C | C |
| Rose-breasted Grosbeak | | O | | O |
| Blue Grosbeak | | U | O | U |
| Indigo Bunting | | U | U | U |

| SPECIES | W | Sp | Su | F |
|------------------------|---|----|----|---|
| Painted Bunting | | O | O | O |
| Eastern Towhee | U | U | U | U |
| Chipping Sparrow | O | O | | O |
| Field Sparrow | O | O | | O |
| Vesper Sparrow | O | O | | O |
| Savannah Sparrow | O | O | | O |
| Grasshopper Sparrow | R | R | | R |
| Henslow's Sparrow | R | R | | R |
| LeConte's Sparrow | R | R | | R |
| Fox Sparrow | R | R | | R |
| Song Sparrow | U | U | | U |
| Lincoln's Sparrow | O | O | | O |
| Swamp Sparrow | O | O | | O |
| White-throated Sparrow | C | C | | U |
| White-crowned Sparrow | O | O | | O |
| Dark-eyed Junco | O | O | | O |
| Bobolink | | R | | R |
| Red-winged Blackbird | C | C | C | C |
| Eastern Meadowlark | U | U | U | U |
| Rusty Blackbird | R | R | | R |
| Boat-tailed Grackle | R | R | R | R |
| Common Grackle | C | C | C | C |
| Brown-headed Cowbird | U | U | U | U |
| Orchard Oriole | | U | U | U |
| Northern Oriole | | O | | O |
| Purple Finch | O | R | | R |
| House Finch | O | O | R | O |
| Pine Siskin | R | R | | R |
| American Goldfinch | C | U | | O |
| House Sparrow | O | O | O | O |

West Bay WMA

Either-sex Managed Deer Hunts

| Year | Permits Issued | Deer Harvested | Bucks | Does | Hunter / Success |
|------|----------------|----------------|-------|------|------------------|
| 1959 | 2760 | 72 | 72 | | 38/1 |
| 1960 | 5769 | 279 | 163 | 116 | 20/1 |
| 1961 | 7643 | 455 | 258 | 197 | 16/1 |
| 1962 | 5522 | 135 | 135 | | 40/1 |
| 1963 | 8072 | 900 | 454 | 446 | 9/1 |
| 1964 | 5607 | 335 | 138 | 197 | 16/1 |
| 1965 | 4130 | 86 | 86 | | 48/1 |
| 1966 | 6922 | 406 | 192 | 214 | 17/1 |
| 1967 | 10130 | 644 | 343 | 301 | 15/1 |
| 1968 | 9300 | 515 | 256 | 259 | 18/1 |
| 1969 | 5784 | 264 | 130 | 134 | 21/1 |
| 1970 | 3966 | 192 | 97 | 95 | 20/1 |
| 1971 | 5054 | 308 | 163 | 145 | 16/1 |
| 1972 | 6685 | 324 | 160 | 164 | 20/1 |
| 1973 | 7683 | 418 | 212 | 206 | 18/1 |
| 1974 | 7297 | 336 | 186 | 150 | 21/1 |
| 1975 | 7929 | 383 | 176 | 207 | 20/1 |
| 1976 | 7841 | 286 | 139 | 147 | 27/1 |
| 1977 | 3517 | 117 | 87 | 30 | 30/1 |
| 1978 | 3405 | 125 | 51 | 74 | 27/1 |
| 1979 | 3327 | 128 | 60 | 68 | 26/1 |
| 1980 | 9691 | 371 | 164 | 207 | 26/1 |

Appendix 5.

West Bay WMA

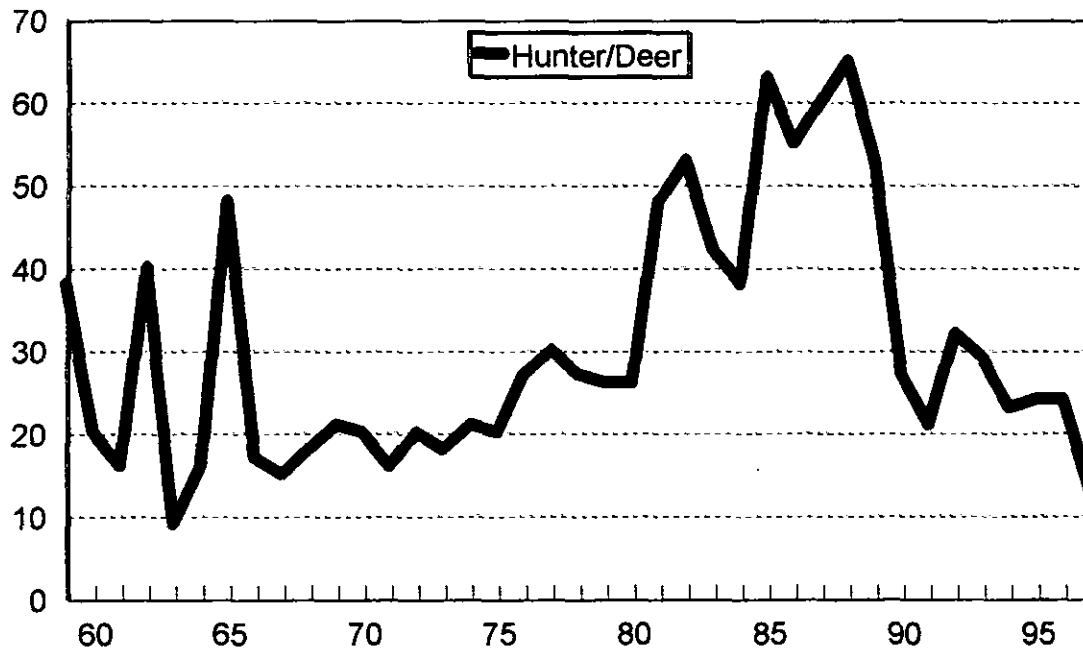
Either-sex Managed Deer Hunts

| Year | Permits Issued | Deer Harvested | Bucks | Does | Hunter /Success |
|-------|----------------|----------------|-------|------|-----------------|
| 1981 | 6805 | 143 | 67 | 76 | 48/1 |
| 1982 | 4864 | 91 | 43 | 48 | 53/1 |
| 1983 | 4819 | 115 | 55 | 60 | 42/1 |
| 1984 | 4124 | 107 | 43 | 64 | 38/1 |
| 1985 | 7863 | 125 | 53 | 72 | 63/1 |
| 1986 | 7617 | 139 | 60 | 79 | 75/1 |
| 1987 | 6543 | 109 | 36 | 73 | 55/1 |
| 1988 | 4584 | 70 | 28 | 42 | 60/1 |
| 1989 | 4628 | 88 | 38 | 50 | 65/1 |
| 1990 | 4504 | 165 | 101 | 64 | 53/1 |
| 1991 | 3625 | 171 | 88 | 83 | 27/1 |
| 1992 | 2958 | 93 | 64 | 29 | 21/1 |
| 1993 | 2378 | 83 | 49 | 34 | 29/1 |
| 1994 | 2679 | 116 | 71 | 45 | 23/1 |
| 1995 | 2660 | 111 | 70 | 41 | 24/1 |
| 1996 | 2142 | 88 | 45 | 43 | 24/1 |
| 1997 | 2200 | 107 | 61 | 46 | 21/1 |
| | | | | | |
| TOTAL | 213027 | 9000 | 4694 | 4306 | 23/1 |

Appendix 5 (Cont.).

WEST BAY WMA

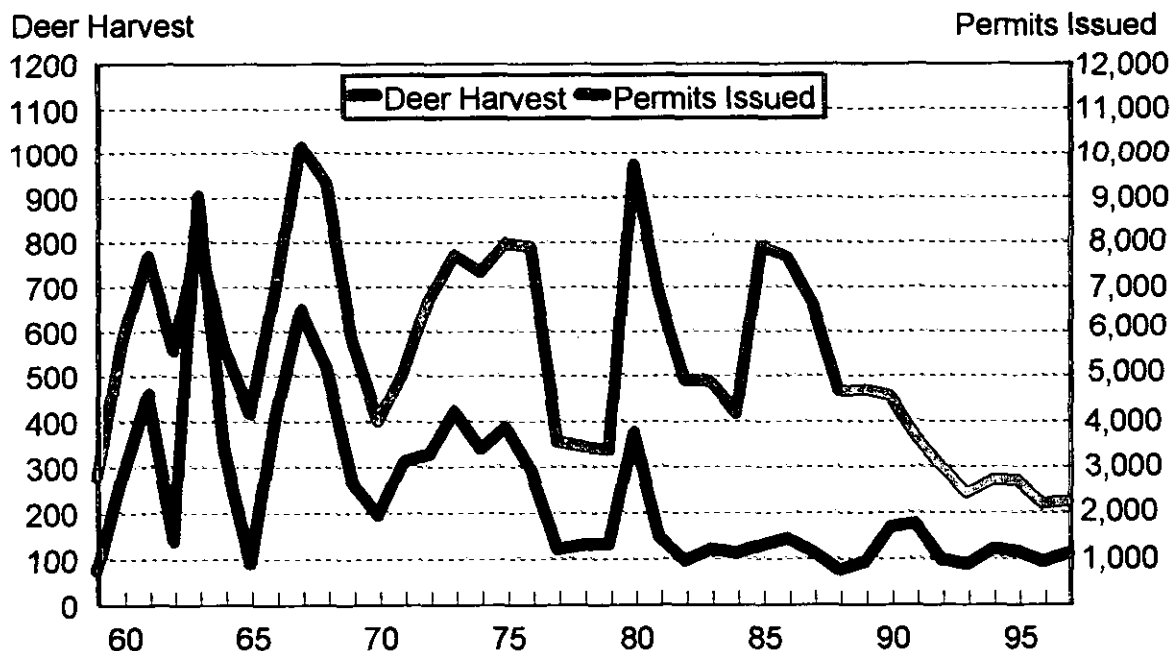
Hunter Success



Appendix 6.

WEST BAY WMA

Permits Issued During Managed Deer Hunt



Appendix 7.

RESOLUTION

SEISMIC EXPLORATION REGULATION

October 1, 1998

WHEREAS, the Louisiana Wildlife and Fisheries Commission supervises and controls the wildlife of the state, including all aquatic life, and


WHEREAS, the Department of Wildlife and Fisheries and the Commission regulate how seismic activity in Louisiana will be accomplished in order to protect and conserve wildlife and fishery resources, and

WHEREAS, 3D seismic exploration activity involves more intensive activity in state waters, coastal wetlands, and other sensitive habitats than does 2D seismic exploration activity, and

WHEREAS, the Commission has been petitioned by the public of the state to review the regulation of seismic activity to improve protection of wildlife and fishery resources,

THEREFORE BE IT RESOLVED, that the Commission hereby promulgates a Notice of Intent to amend and update the rules regarding seismic exploration, and

THEREFORE BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.



Thomas M. Gattle, Jr.
Chairman



James H. Jenkins, Jr.
Secretary

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:I.301) regulating seismic exploration and repeal a Rule (LAC 76:I.303) on permits. Authority for adoption of this Rule is included in R.S. 30:214 and R.S. 36:609. This notice is given pursuant to the Administrative Procedure Act, R.S. 49:950 et seq.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and

Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter A. Seismic Exploration

§301. Regulations

A. Definitions

Cultivation--any human activity the purpose of which is to enhance the production of oysters.

Oyster Areas--those areas of coastal Louisiana which are capable of supporting natural or cultivated oyster populations.

Oyster Bed--an oyster reef or a waterbottom on which oysters are actively being cultivated.

Oyster Reef--a discrete, clearly distinguishable structure which a) has been formed primarily by living oysters and other organisms, b) is not necessarily currently supporting live oysters, c) at least a portion of which must be above the mud line, (i.e. not covered by mud or silt), and d) may support live oysters as a

result of normal hydrological fluctuations.

B. In order to protect, conserve, and replenish the wildlife of the state of Louisiana, including all aquatic life, and pursuant to the authority conferred by Article IX, Section 7 of the Louisiana Constitution of 1974, R.S. 30:214 et seq. and R.S. 36:609; the following rules shall from and after promulgation date, govern any exploration work involving the discharge of explosives and other energy sources in the state of Louisiana for geophysical exploration.

1. The Wildlife and Fisheries Commission, pursuant to its constitutional and statutory authority, hereby designates how geophysical exploration work shall be conducted insofar as it relates to the fish, seafood, aquatic life, oysters, wildlife and waterbottoms of the state. No geophysical exploration work shall commence without the approval of the Secretary of the Department or his designee. The Department of Wildlife and Fisheries, Marine Fisheries Division, Seismic Section is hereby authorized and directed to enforce and administer these regulations with full power and authority to take all appropriate actions to ensure proper administration and compliance.

2. Application(s) for permission to operate shall be made by letter giving the names of the parishes where the geophysical exploration is to be conducted. Written permission to operate shall be valid for a period of one year from date of approval, unless otherwise specified. In order to obtain and maintain permission to operate, an applicant shall furnish the Department a surety bond in the amount of \$75,000 from a bonding

company licensed to do business in the state of Louisiana and to whom A.M. Best and Company has given an "B+/7" or better rating. Bond forms may be obtained from the Seismic Section. The bond shall be filed by the applicant prior to issuance of any permission to operate. Said bond shall guarantee payment of all shot hole fees and mileage fees, inspector fees, all compensation for damage to public lands, and waterbottoms (including, without limitation, damages for failure to remove equipment and trash), oysters, fish and other aquatic life, and/or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said applicant may be legally liable, and which may be suffered by the state of Louisiana. The bond shall also guarantee any and all fees in whole and in part for services rendered by the Department and its offices in accordance with regulations of the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission and all applicable penalties, and any other liabilities to the state of Louisiana incurred by the applicant during the geophysical operations. Applicants must also supply the Seismic Section with proof of general liability insurance in the amount of \$1,000,000. The policy must be issued by an insurer approved by the Department, and specifically cover all damage to land, waterbottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way, and other structures for which Permittee may be legally liable. In addition, Permittees applying for a renewal of the letter of permission to operate must have demonstrated a record of sound business practices by making timely payments of seismic fees to the Department, and by being in

complete compliance with the Department's regulations including those regulations requiring notifications and timely submission of seismic exploration data daily reports.

3. The Department may, after ten working days written notice to Permittee, suspend or cancel the seismic letter of permission to operate granted pursuant hereto for failure by the Permittee, to make timely payment to the Department for obligations owed to the state of Louisiana for the following:

- a. any adjusted shot hole fees and mileage fees;
- b. any compensation for damage to public lands, waterbottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said Permittee may be legally liable;
- c. any fees for services rendered by LDWF personnel in overseeing geophysical exploration;
- d. any applicable penalties.
- e. The Permittee shall be entitled to a hearing upon written request, made within the 10 working day notice period, to the Secretary or his designee, to review the circumstances prompting the Department to suspend or cancel his letter of permission to operate. This hearing shall be held as soon as practicable.

4. Permittees shall submit a 1:24,000 scale map showing, at a minimum, the outline of the project for comparison with Department databases of threatened, endangered, or sensitive wildlife and fisheries resources and a similar map on an 8.5" x 11" page. Permittees shall notify the Seismic Section before beginning

any geophysical exploration on a "Notification of Beginning of Seismic Operations" furnished by the Seismic Section. The Permittee shall provide the Department with the names and telephone numbers of appropriate designated contact persons. The "Notification of Beginning of Seismic Operations" shall be accompanied by a map on an 8.5" x 11" page showing the outline of the project or line. The Permittee also shall furnish the Seismic Section with a certified copy of the information filed with the appropriate parish clerk of court in accordance with R.S. 30:217. The Permittee shall submit notification to the Seismic Section of interruption or cessation of work. If a change in the prospect or line is necessary, the Permittee will provide a new plat indicating the change. If a change on the prospect or line affects different properties, or leasehold interests, the Permittee will provide a new plat indicating the new prospect or line, and no work will begin until this change has been furnished to the Seismic Section and the Seismic Section has reviewed it with regard to threatened, endangered, or sensitive wildlife and fisheries resources. The granting of permission to operate does not give the Permittee the right to trespass on, or conduct activities on private properties, nor does it relieve the Permittee of the responsibility for damages to private property.

5. A Permittee shall organize a pre-project meeting with the appropriate government agencies, property owners, lessees, residents, and other interested parties in the area of the proposed project. Notice of the meeting shall be advertised in the newspapers or journals designated for legal notices in the

geographic areas in which geophysical survey operations are to be conducted. Additional notices should be posted in or on appropriate public places in the area of operations. All such notices shall be issued at a reasonable time before the scheduled meeting and before commencement of geophysical operations. Maps, as provided to the Seismic Section in connection with the Notification of Beginning of Seismic Operations and information designating the Permittee's contact persons during the geophysical operations, shall be made available to the public for review at this meeting.

C. Each geophysical exploration crew working in the state of Louisiana shall always be under the supervision of the Seismic Section. A Seismic Inspector may be present during the shooting operations of the Permittee to which he or she is assigned.

1. The Seismic Section representative shall have access to all records, including without limitation, shot point location maps, and shooters' logs and tracings, but only to the extent necessary to determine compliance with these regulations. Any and all proprietary or confidential information viewed or obtained by any Seismic Section representative or Seismic Inspector shall be maintained in strict confidence as mandated for disclosures of seismic data under R.S. 30:215. No Permittee shall be required to submit to the Department any document or thing containing such confidential, proprietary information, if such document would, thereby, become a public record.

2. The party chief or party manager shall instruct the members of his party as to the requirements of these rules and

regulations, and to the duty and authority of the Seismic Section and the Seismic Inspector.

3. The party chief or party manager shall furnish the Seismic Section's representative with whatever reasonable and appropriate transportation is needed to allow him to visit the working areas and shall transport the Seismic Section's representative to whatever locations he or she requests. The Department acknowledges that, when the Permittee is providing transportation for the Seismic Inspector or other representative of the Department under these regulations or other applicable law, that the Permittee is fulfilling a state mandated function and shall not be responsible, in any way, for any decisions, instructions, actions, or omissions of such Seismic Inspector or other Department representative.

4. The Seismic Inspector has the right to suspend any particular operation (e.g., surveying, drilling, shooting, or picking up equipment) or any portion of an operation, if it violates the Seismic Section's rules and regulations.

a. Written notice of violations shall be provided to the Permittee's designated contact person as soon as practicable. Corrective action taken by the Permittee and approved by the Seismic Section should dissolve the order for suspension issued by the Seismic Inspector.

b. The Permittee may request a hearing from the Secretary or his designee to review the circumstances of any suspension of geophysical survey activities. This hearing shall be convened as soon as practicable, but in any event within ten

working days after the written request for a hearing. The Department shall provide the Permittee with due notice and the opportunity to participate.

5. The Department recognizes that conflicts may arise from time to time between parties regarding access to and use of public waters, waterbottoms, public lands and natural resources. In the event that such conflicts cannot be otherwise resolved, the Department may, at the discretion of the Secretary or his designee, restrict, regulate, or suspend such potentially or actually conflicting activities as may be necessary to provide reasonable and safe access to said public resources. The Department shall provide the Permittee's designated contact person at least five working days written notice prior to any suspension, restriction, or regulation of geophysical survey operations due to user conflicts. The Permittee may request a hearing from the Secretary or his designee to review the circumstances of the Department's restriction, regulation or suspension of geophysical activities. This hearing shall be convened as soon as practicable, but at any event within ten working days after written request for a hearing. The Department shall provide all interested parties with due notice and opportunity to participate.

6. No Seismic Inspector shall have the right to release any Permittee from the obligations imposed by these rules and regulations. Variances from these regulations may be granted by the Department only after written application by the Permittee setting forth reasons therefore. The release, signed by the Secretary or his designee, will designate the particular area and

rule affected, and the procedures to be followed in lieu of any established rule. The Secretary or his designee may provide this information to appropriate interested parties upon request.

D. The Permittee must make a separate report for each day, whether or not shooting is in progress. Daily reports must furnish complete information as indicated by the report form, and must be signed by the party chief or party manager.

E. No geophysical exploration work shall be conducted on any wildlife refuge, waterfowl refuge, scenic river or stream, game preserve, fish preserve or hatchery, or oyster seed ground reservation without written permission from the Department through the division in charge of such refuge, preserve, river, stream, hatchery or reservation. While operating on any wildlife refuge, waterfowl refuge, scenic river, stream, game preserve, fish preserve or hatchery or oyster seed ground or reservation, the Permittee must abide by all rules and regulations of said area, in addition to these seismic regulations to the extent they apply.

F. Boats, marsh buggies, airboats, or other types of marsh vehicles, when used, must be used so as to cause the minimum disturbance or damage to the lands, waterbottoms, and wildlife and fisheries resources thereon. When working on wildlife management areas, wildlife refuges, scenic rivers, streams, fish preserves or hatcheries, or public oyster seed grounds or reservations, the Permittee will coordinate with the supervisor in charge of the area as to rules of the area. Rules, regulations and fees may vary from one such area to another.

G. No marsh buggies shall have contact with any oyster reef

or bed, including state-owned natural reefs, nor shall any explosives or other energy sources be discharged within 250 feet of any oyster reef or bed, including any state-owned natural reefs, without permission from the lessee of the reef or bed, and the Department. The Seismic Section will review all projects in designated public oyster seed grounds and reservations.

H. Geophysical Permittees are required to furnish an oyster lease plat to each affected oyster lessee showing the proposed number of shot points on line and their proposed location. Geophysical Permittees are required to furnish notice to oyster lease applicants of the proposed crossing of waterbottoms for which said applicant has applied for an oyster lease, provided said application(s) has been plotted on the Departments map(s).

I. All pipe used in geophysical operations must be removed to at least six feet below the surface of the ground, or six feet below the bottom in water areas, before finally leaving the shotpoint. No pipes shall be left unattended on land or in water.

J. All parties using pipe in water areas must have clearly welded or stamped at each end of each joint the name or abbreviation of the name of the Permittee using the pipe. All equipment including cables, boxes, geophones, staff poles, anchors, buoys, etc., must be permanently tagged with the name of the Permittee. All 2 x 2's used for survey lines must be clearly stamped with the name of the Permittee using the stakes at approximately three-foot intervals. These stakes must be removed immediately upon completion of the project. All cane poles must be removed immediately upon completion of the project. Anchors shall

be marked, stamped, or tagged to identify the Permittee who deployed them, and shall be secured to an appropriately marked buoy, vessel, or float.

K. Permittees shall comply with the U.S. Coast Guard and/or the U.S. Army Corps of Engineers' rules and regulations for marking and lighting material and/or equipment in navigable waters. In addition, all survey buoys used in geophysical operations should be colored fluorescent green to mark receivers, and fluorescent red to mark the source line or shot line as well as show the name of the Permittee. All such floats in areas of seismic operations shall use floating line.

L. No explosives shall be discharged knowingly within 1,000 feet of a boat without notice being given to such boat so that it may move from the area.

M. Persistent gas and water discharges caused by drilling or shooting operations of seismic crews will be stopped immediately by the Permittee.

N. Explosive charges or multiple charges in the same shot hole in excess of 50 pounds shall not be used except pursuant to express written authorization from the Secretary or his designee. Requests for the use of such charges and other variances from the charge sizes, hole depths, and/or setback requirements must be made in writing, giving the reasons why such charges are needed, the particulars of charge sizes, hole depths, patterns of deployment, and setback from potentially sensitive environments. Such requests should be addressed to the Seismic Section. Variances shall not be unreasonably withheld or delayed. All documents submitted to the

Seismic Section in connection with requests for variances shall be public records; therefore, any confidential proprietary information required for review of a variance request may be submitted orally or by demonstrative presentation referenced in the written application, but the underlying confidential information shall not be disclosed in the written request filed with the Department. The Permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to requested variances, as set forth in §301.C.4.b. above. The Secretary or his designee may provide this information to appropriate interested parties upon request.

O. 1. Minimum required depth of charges shall be as follows for shots detonated in holes:

| a. Weight of charge | Minimum required depth |
|---------------------|------------------------|
| 1 pound or less | 10 feet |

Charges of 1 pound or less may only be used in upland areas. In addition, the hole must be tamped before shooting and the charge must be shot on the same day it is placed.

| | |
|------------------------------|----------|
| Between 1 pound and 2 pounds | 25 feet |
| 2 pounds up to 5 pounds | 40 feet |
| 5 pounds up to 20 pounds | 60 feet |
| 20 pounds up to 30 pounds | 70 feet |
| 30 pounds up to 40 pounds | 100 feet |
| 40 pounds up to 50 pounds | 120 feet |

No part of the charge shall be above minimum required depth.

2. The use of suspended charges as energy sources is

prohibited unless a variance is granted by the Secretary or his designee. If permitted, the Secretary or his designee shall then set forth requirements to minimize the effect on wildlife and fisheries resources.

P. Detonation of seismic explosive charges will be allowed only during daylight hours. Variances to this rule may be requested as set forth in §301.N. Permittees shall notify the Seismic Section of 24 hour airgun operations prior to beginning such operations. The Department may, after review of the details of such night operations and areas affected thereby, impose additional restrictions, regulations or requirements upon such operations as may be reasonable and necessary for the protection of public waters, waterbottoms, lands, and wildlife. No shooting will be allowed in heavy fog. The Permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to night operations and weather conditions, as provided for in §301.C.4.b. above.

Q. In accordance with good industry practice, Permittee shall, after drilling and loading shot holes, backfill holes with cuttings or another material authorized by the Department, and place the shot hole plug near the surface to avoid wash-in.

R. All equipment including boxes, cables, staff poles, poles, anchors, etc., must be cleared from project areas before the Permittee leaves the area. The Permittee shall confirm in writing to the Seismic Section that all its equipment, materials, and refuse have been cleared from the project area. Said letter of confirmation shall be a public record. Variances from this rule

may be granted by the Department if accompanied by a written request from an affected landowner or agency. The Secretary or his designee may provide this information to appropriate interested parties upon request.

S. A fee of \$135 per day will be charged to geophysical Permittees. This fee will be reviewed each January. All payments will be made by the Permittees directly to the Department on or before the fifteenth of each month. No payments are to be made to the Seismic Inspectors. Seismic Inspectors shall make and the Seismic Section shall maintain written records of the Inspectors' work in connection with each geophysical project, identifying the date, time, location, nature of the inspector's work, and the Permittee involved.

T. Permittees making application to work on any designated oyster seed ground or reservation designated by the state of Louisiana as specified in R.S. 56:434 and 435; and LAC Title 76 will be required to pay the following fees in addition to the supervisory fees: \$100 per shot hole, or \$1,000 per linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1,000 per linear mile in water depths less than or equal to five feet; \$400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$200 per linear mile in water depths greater than 10 feet; or, for 3D airgun surveys: \$12,500 per square mile in water depths less than or equal to five feet; \$5,000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 2,500 per square mile in water depths greater than 10

feet. All of these fees are to be paid in advance. All fees will be reviewed each January. It is the intention of the Wildlife and Fisheries Commission and the Department to use any fees collected pursuant to this rule to plant shells for oyster cultch, to rehabilitate areas damaged by operations and as mitigation for any other damages to the coastal area.

U. All geophysical Permittees conducting operations shall exercise reasonable precaution and act in accordance with approved and accepted methods to prevent destruction of, or injury to the fish, oysters, shrimp and other aquatic life, wildlife or other living natural resources of the state of Louisiana, or their habitats.

V. Any violation of these or other rules promulgated by the Commission or the Department for the regulation of geophysical operations, or the refusal of any Permittee or its employees to comply fully with all orders and requirements which may be made by authorized personnel of the Department at the time the exploration is conducted, or any attempt to unduly influence any Seismic Inspector to abstain from the enforcement of these regulations shall constitute cause for suspension or cancellation of the "permission to operate", cessation of all exploration work, and disqualification of the party chief, party manager, field manager, and/or the Permittee involved from future operations in this state. The Permittee may request a hearing from the Secretary or his designee to review the particular circumstances prompting the Department to suspend or cancel his letter of permission to operate per the provisions of §301.C.4.b.

W. These rules and regulations supersede all other rules and regulations issued prior to this date, and are subject to change by the Department and the Wildlife and Fisheries Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), LR 18:509 (May 1992), LR .

§303. Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1987), amended LR 10:410 (May 1984), repealed LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and the final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Heather Warner Finley, Seismic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 prior to 4 December 1998.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

SEISMIC EXPLORATION REGULATION

October 1, 1998

WHEREAS, the Louisiana Wildlife and Fisheries Commission supervises and controls the wildlife of the state, including all aquatic life, and

WHEREAS, the Department of Wildlife and Fisheries and the Commission regulate how seismic activity in Louisiana will be accomplished in order to protect and conserve wildlife and fishery resources, and

WHEREAS, 3D seismic exploration activity involves more intensive activity in state waters, coastal wetlands, and other sensitive habitats than does 2D seismic exploration activity, and

WHEREAS, the Commission has been petitioned by the public of the state to review the regulation of seismic activity to improve protection of wildlife and fishery resources,

THEREFORE BE IT RESOLVED, that the Commission hereby promulgates a Notice of Intent to amend and update the rules regarding seismic exploration, and

THEREFORE BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

Thomas M. Gattle, Jr.
Chairman

James H. Jenkins, Jr.
Secretary

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:I.301) regulating seismic exploration and repeal a Rule (LAC 76:I.303) on permits. Authority for adoption of this Rule is included in R.S. 30:214 and R.S. 36:609. This notice is given pursuant to the Administrative Procedure Act, R.S. 49:950 et seq.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and

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B. In order to protect, conserve, and replenish the wildlife of the state of Louisiana, including all aquatic life, and pursuant to the authority conferred by Article IX, Section 7 of the Louisiana Constitution of 1974, R.S. 30:214 et seq. and R.S. 36:609; the following rules shall from and after promulgation date, govern any exploration work involving the discharge of explosives and other energy sources in the state of Louisiana for geophysical exploration.

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2. Application(s) for permission to operate shall be made by letter giving the names of the parishes where the geophysical exploration is to be conducted. Written permission to operate shall be valid for a period of one year from date of approval, unless otherwise specified. In order to obtain and maintain permission to operate, an applicant shall furnish the Department a surety bond in the amount of \$75,000 from a bonding

company licensed to do business in the state of Louisiana and to whom A.M. Best and Company has given an "B+/7" or better rating. Bond forms may be obtained from the Seismic Section. The bond shall be filed by the applicant prior to issuance of any permission to operate. Said bond shall guarantee payment of all shot hole fees and mileage fees, inspector fees, all compensation for damage to public lands, and waterbottoms (including, without limitation, damages for failure to remove equipment and trash), oysters, fish and other aquatic life, and/or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said applicant may be legally liable, and which may be suffered by the state of Louisiana. The bond shall also guarantee any and all fees in whole and in part for services rendered by the Department and its offices in accordance with regulations of the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission and all applicable penalties, and any other liabilities to the state of Louisiana incurred by the applicant during the geophysical operations. Applicants must also supply the Seismic Section with proof of general liability insurance in the amount of \$1,000,000. The policy must be issued by an insurer approved by the Department, and specifically cover all damage to land, waterbottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way, and other structures for which Permittee may be legally liable. In addition, Permittees applying for a renewal of the letter of permission to operate must have demonstrated a record of sound business practices by making timely payments of seismic fees to the Department, and by being in

complete compliance with the Department's regulations including those regulations requiring notifications and timely submission of seismic exploration data daily reports.

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- e. The Permittee shall be entitled to a hearing upon written request, made within the 10 working day notice period, to the Secretary or his designee, to review the circumstances prompting the Department to suspend or cancel his letter of permission to operate. This hearing shall be held as soon as practicable.

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geographic areas in which geophysical survey operations are to be conducted. Additional notices should be posted in or on appropriate public places in the area of operations. All such notices shall be issued at a reasonable time before the scheduled meeting and before commencement of geophysical operations. Maps, as provided to the Seismic Section in connection with the Notification of Beginning of Seismic Operations and information designating the Permittee's contact persons during the geophysical operations, shall be made available to the public for review at this meeting.

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2. The party chief or party manager shall instruct the members of his party as to the requirements of these rules and

regulations, and to the duty and authority of the Seismic Section and the Seismic Inspector.

3. The party chief or party manager shall furnish the Seismic Section's representative with whatever reasonable and appropriate transportation is needed to allow him to visit the working areas and shall transport the Seismic Section's representative to whatever locations he or she requests. The Department acknowledges that, when the Permittee is providing transportation for the Seismic Inspector or other representative of the Department under these regulations or other applicable law, that the Permittee is fulfilling a state mandated function and shall not be responsible, in any way, for any decisions, instructions, actions, or omissions of such Seismic Inspector or other Department representative.

4. The Seismic Inspector has the right to suspend any particular operation (e.g., surveying, drilling, shooting, or picking up equipment) or any portion of an operation, if it violates the Seismic Section's rules and regulations.

a. Written notice of violations shall be provided to the Permittee's designated contact person as soon as practicable. Corrective action taken by the Permittee and approved by the Seismic Section should dissolve the order for suspension issued by the Seismic Inspector.

b. The Permittee may request a hearing from the Secretary or his designee to review the circumstances of any suspension of geophysical survey activities. This hearing shall be convened as soon as practicable, but in any event within ten

working days after the written request for a hearing. The Department shall provide the Permittee with due notice and the opportunity to participate.

5. The Department recognizes that conflicts may arise from time to time between parties regarding access to and use of public waters, waterbottoms, public lands and natural resources. In the event that such conflicts cannot be otherwise resolved, the Department may, at the discretion of the Secretary or his designee, restrict, regulate, or suspend such potentially or actually conflicting activities as may be necessary to provide reasonable and safe access to said public resources. The Department shall provide the Permittee's designated contact person at least five working days written notice prior to any suspension, restriction, or regulation of geophysical survey operations due to user conflicts. The Permittee may request a hearing from the Secretary or his designee to review the circumstances of the Department's restriction, regulation or suspension of geophysical activities. This hearing shall be convened as soon as practicable, but at any event within ten working days after written request for a hearing. The Department shall provide all interested parties with due notice and opportunity to participate.

6. No Seismic Inspector shall have the right to release any Permittee from the obligations imposed by these rules and regulations. Variances from these regulations may be granted by the Department only after written application by the Permittee setting forth reasons therefore. The release, signed by the Secretary or his designee, will designate the particular area and

rule affected, and the procedures to be followed in lieu of any established rule. The Secretary or his designee may provide this information to appropriate interested parties upon request.

D. The Permittee must make a separate report for each day, whether or not shooting is in progress. Daily reports must furnish complete information as indicated by the report form, and must be signed by the party chief or party manager.

E. No geophysical exploration work shall be conducted on any wildlife refuge, waterfowl refuge, scenic river or stream, game preserve, fish preserve or hatchery, or oyster seed ground reservation without written permission from the Department through the division in charge of such refuge, preserve, river, stream, hatchery or reservation. While operating on any wildlife refuge, waterfowl refuge, scenic river, stream, game preserve, fish preserve or hatchery or oyster seed ground or reservation, the Permittee must abide by all rules and regulations of said area, in addition to these seismic regulations to the extent they apply.

F. Boats, marsh buggies, airboats, or other types of marsh vehicles, when used, must be used so as to cause the minimum disturbance or damage to the lands, waterbottoms, and wildlife and fisheries resources thereon. When working on wildlife management areas, wildlife refuges, scenic rivers, streams, fish preserves or hatcheries, or public oyster seed grounds or reservations, the Permittee will coordinate with the supervisor in charge of the area as to rules of the area. Rules, regulations and fees may vary from one such area to another.

G. No marsh buggies shall have contact with any oyster reef

or bed, including state-owned natural reefs, nor shall any explosives or other energy sources be discharged within 250 feet of any oyster reef or bed, including any state-owned natural reefs, without permission from the lessee of the reef or bed, and the Department. The Seismic Section will review all projects in designated public oyster seed grounds and reservations.

H. Geophysical Permittees are required to furnish an oyster lease plat to each affected oyster lessee showing the proposed number of shot points on line and their proposed location. Geophysical Permittees are required to furnish notice to oyster lease applicants of the proposed crossing of waterbottoms for which said applicant has applied for an oyster lease, provided said application(s) has been plotted on the Departments map(s).

I. All pipe used in geophysical operations must be removed to at least six feet below the surface of the ground, or six feet below the bottom in water areas, before finally leaving the shotpoint. No pipes shall be left unattended on land or in water.

J. All parties using pipe in water areas must have clearly welded or stamped at each end of each joint the name or abbreviation of the name of the Permittee using the pipe. All equipment including cables, boxes, geophones, staff poles, anchors, buoys, etc., must be permanently tagged with the name of the Permittee. All 2 x 2's used for survey lines must be clearly stamped with the name of the Permittee using the stakes at approximately three-foot intervals. These stakes must be removed immediately upon completion of the project. All cane poles must be removed immediately upon completion of the project. Anchors shall

be marked, stamped, or tagged to identify the Permittee who deployed them, and shall be secured to an appropriately marked buoy, vessel, or float.

K. Permittees shall comply with the U.S. Coast Guard and/or the U.S. Army Corps of Engineers' rules and regulations for marking and lighting material and/or equipment in navigable waters. In addition, all survey buoys used in geophysical operations should be colored fluorescent green to mark receivers, and fluorescent red to mark the source line or shot line as well as show the name of the Permittee. All such floats in areas of seismic operations shall use floating line.

L. No explosives shall be discharged knowingly within 1,000 feet of a boat without notice being given to such boat so that it may move from the area.

M. Persistent gas and water discharges caused by drilling or shooting operations of seismic crews will be stopped immediately by the Permittee.

N. Explosive charges or multiple charges in the same shot hole in excess of 50 pounds shall not be used except pursuant to express written authorization from the Secretary or his designee. Requests for the use of such charges and other variances from the charge sizes, hole depths, and/or setback requirements must be made in writing, giving the reasons why such charges are needed, the particulars of charge sizes, hole depths, patterns of deployment, and setback from potentially sensitive environments. Such requests should be addressed to the Seismic Section. Variances shall not be unreasonably withheld or delayed. All documents submitted to the

Seismic Section in connection with requests for variances shall be public records; therefore, any confidential proprietary information required for review of a variance request may be submitted orally or by demonstrative presentation referenced in the written application, but the underlying confidential information shall not be disclosed in the written request filed with the Department. The Permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to requested variances, as set forth in §301.C.4.b. above. The Secretary or his designee may provide this information to appropriate interested parties upon request.

O. 1. Minimum required depth of charges shall be as follows for shots detonated in holes:

| a. Weight of charge | Minimum required depth |
|---------------------|------------------------|
| 1 pound or less | 10 feet |

Charges of 1 pound or less may only be used in upland areas. In addition, the hole must be tamped before shooting and the charge must be shot on the same day it is placed.

| | |
|------------------------------|----------|
| Between 1 pound and 2 pounds | 25 feet |
| 2 pounds up to 5 pounds | 40 feet |
| 5 pounds up to 20 pounds | 60 feet |
| 20 pounds up to 30 pounds | 70 feet |
| 30 pounds up to 40 pounds | 100 feet |
| 40 pounds up to 50 pounds | 120 feet |

No part of the charge shall be above minimum required depth.

2. The use of suspended charges as energy sources is

prohibited unless a variance is granted by the Secretary or his designee. If permitted, the Secretary or his designee shall then set forth requirements to minimize the effect on wildlife and fisheries resources.

P. Detonation of seismic explosive charges will be allowed only during daylight hours. Variances to this rule may be requested as set forth in §301.N. Permittees shall notify the Seismic Section of 24 hour airgun operations prior to beginning such operations. The Department may, after review of the details of such night operations and areas affected thereby, impose additional restrictions, regulations or requirements upon such operations as may be reasonable and necessary for the protection of public waters, waterbottoms, lands, and wildlife. No shooting will be allowed in heavy fog. The Permittee may request a hearing to review all determinations, decisions, and regulations imposed with regard to night operations and weather conditions, as provided for in §301.C.4.b. above.

Q. In accordance with good industry practice, Permittee shall, after drilling and loading shot holes, backfill holes with cuttings or another material authorized by the Department, and place the shot hole plug near the surface to avoid wash-in.

R. All equipment including boxes, cables, staff poles, poles, anchors, etc., must be cleared from project areas before the Permittee leaves the area. The Permittee shall confirm in writing to the Seismic Section that all its equipment, materials, and refuse have been cleared from the project area. Said letter of confirmation shall be a public record. Variances from this rule

may be granted by the Department if accompanied by a written request from an affected landowner or agency. The Secretary or his designee may provide this information to appropriate interested parties upon request.

S. A fee of \$135 per day will be charged to geophysical Permittees. This fee will be reviewed each January. All payments will be made by the Permittees directly to the Department on or before the fifteenth of each month. No payments are to be made to the Seismic Inspectors. Seismic Inspectors shall make and the Seismic Section shall maintain written records of the Inspectors' work in connection with each geophysical project, identifying the date, time, location, nature of the inspector's work, and the Permittee involved.

T. Permittees making application to work on any designated oyster seed ground or reservation designated by the state of Louisiana as specified in R.S. 56:434 and 435; and LAC Title 76 will be required to pay the following fees in addition to the supervisory fees: \$100 per shot hole, or \$1,000 per linear mile, whichever is greater, for reflective or refractive cable. For airguns only, the following fees apply: \$1,000 per linear mile in water depths less than or equal to five feet; \$400 per linear mile in water depths greater than five feet and less than or equal to 10 feet deep; \$200 per linear mile in water depths greater than 10 feet; or, for 3D airgun surveys: \$12,500 per square mile in water depths less than or equal to five feet; \$5,000 per square mile in water depths greater than five feet and less than or equal to 10 feet deep; \$ 2,500 per square mile in water depths greater than 10

feet. All of these fees are to be paid in advance. All fees will be reviewed each January. It is the intention of the Wildlife and Fisheries Commission and the Department to use any fees collected pursuant to this rule to plant shells for oyster cultch, to rehabilitate areas damaged by operations and as mitigation for any other damages to the coastal area.

U. All geophysical Permittees conducting operations shall exercise reasonable precaution and act in accordance with approved and accepted methods to prevent destruction of, or injury to the fish, oysters, shrimp and other aquatic life, wildlife or other living natural resources of the state of Louisiana, or their habitats.

V. Any violation of these or other rules promulgated by the Commission or the Department for the regulation of geophysical operations, or the refusal of any Permittee or its employees to comply fully with all orders and requirements which may be made by authorized personnel of the Department at the time the exploration is conducted, or any attempt to unduly influence any Seismic Inspector to abstain from the enforcement of these regulations shall constitute cause for suspension or cancellation of the "permission to operate", cessation of all exploration work, and disqualification of the party chief, party manager, field manager, and/or the Permittee involved from future operations in this state. The Permittee may request a hearing from the Secretary or his designee to review the particular circumstances prompting the Department to suspend or cancel his letter of permission to operate per the provisions of §301.C.4.b.

W. These rules and regulations supersede all other rules and regulations issued prior to this date, and are subject to change by the Department and the Wildlife and Fisheries Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1978), amended LR 10:410 (May 1984), LR 13:115 (February 1987), LR 18:509 (May 1992), LR .

§303. Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:214 and R.S. 36:609.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:300 (August 1987), amended LR 10:410 (May 1984), repealed LR .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and the final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Heather Warner Finley, Seismic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 prior to 4 December 1998.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON REGULATION

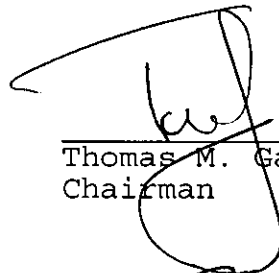
October 1, 1998

- WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS, NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS, the 1998 recreational quota for red snapper in the Gulf of Mexico was set at 4.47 million pounds, and
- WHEREAS, the best information available at the time indicated that the recreational sector was projected to have harvested their quota by September 30, 1998, and
- WHEREAS, offshore waters were abnormally rough during the month of September and fishing opportunities may have been limited more than expected, and
- WHEREAS, NMFS has closed the recreational fishing season for red snapper effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and
- WHEREAS, the Wildlife and Fisheries Commission has enacted a closure in Louisiana state waters consistent with the EEZ closure, and
- WHEREAS, NMFS will be obtaining additional data on the estimated harvest of red snapper by the recreational fishery, and
- WHEREAS, in the course of review of that data, NMFS may determine that the recreational quota had not been reached within the time projected for it to be reached, and
- WHEREAS, it is possible that, if the recreational quota has not been harvested, NMFS may re-open the recreational red snapper season for some period of time in order to allow the remainder of the quota to be taken, and
- WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and
- WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and
- WHEREAS, R.S.49:953(B) and R.S.49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

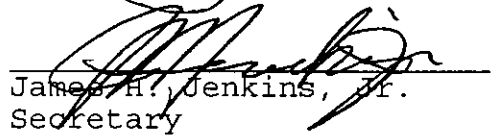
WHEREAS, R.S.56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish.

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open an additional recreational red snapper season in Louisiana state waters if he is informed that National Marine Fisheries Service has opened an additional season and to close such season when he is informed that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate such an emergency rule.



Thomas M. Gattle, Jr.
Chairman



James H. Jenkins, Jr.
Secretary

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON REGULATION

October 1, 1998

- WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
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- WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and
- WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and
- WHEREAS, R.S.49:953(B) and R.S.49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S.56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish.

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BE IT FURTHER RESOLVED, that the secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate such an emergency rule.

Thomas M. Gattle, Jr.
Chairman

James H. Jenkins, Jr.
Secretary

RESOLUTION

- WHEREAS,** Act 1316 of 1995 provided for the transfer of certain licenses or permits on the basis of proven physical hardship, as determined with the sole discretion of the Commission, to the spouse, parent/legal guardian or child/legal dependent of the license holder; and
- WHEREAS,** Mr. Harry Frickey, Sr. has made application to the Commission to have his mullet permit transferred to his son, Harry J. Frickey, Jr.; and
- WHEREAS,** the Marine Finfish Committee of the Louisiana Wildlife and Fisheries Commission met on October 1, 1998, 9:00 a.m., to hear Mr. Frickey's request; and
- WHEREAS,** the Marine Finfish Committee, after hearing Mr. Frickey's request and considering the facts and evidence on motion by majority vote, moved to make recommendation to the full Louisiana Wildlife and Fisheries Commission to allow and permit the requested transfer.
- THEREFORE, BE IT RESOLVED** that the Louisiana Wildlife and Fisheries Commission determines that the mullet permit currently held by Harry Frickey, Sr. will be transferred to his son, Harry Frickey, Jr., on the basis of proven physical hardship.



Thomas M. Gattle, Jr., Chairman

October 1, 1998

Date

RESOLUTION

- WHEREAS,** Act 1316 of 1995 provided for the transfer of certain licenses or permits on the basis of proven physical hardship, as determined with the sole discretion of the Commission, to the spouse, parent/legal guardian or child/legal dependent of the license holder; and
- WHEREAS,** Mr. Harry Frickey, Sr. has made application to the Commission to have his mullet permit transferred to his son, Harry J. Frickey, Jr.; and
- WHEREAS,** the Marine Finfish Committee of the Louisiana Wildlife and Fisheries Commission met on October 1, 1998, 9:00 a.m., to hear Mr. Frickey's request; and
- WHEREAS,** the Marine Finfish Committee, after hearing Mr. Frickey's request and considering the facts and evidence on motion by majority vote, moved to make recommendation to the full Louisiana Wildlife and Fisheries Commission to allow and permit the requested transfer.
- THEREFORE, BE IT RESOLVED** that the Louisiana Wildlife and Fisheries Commission determines that the mullet permit currently held by Harry Frickey, Sr. will be transferred to his son, Harry Frickey, Jr., on the basis of proven physical hardship.

Thomas M. Gattle, Jr., Chairman

Date

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800
September 18, 1998

M.J. "Mike" Foster, Jr.
Governor

Mr. Harry Frickey
Post Office Box 488
Venice, LA 70091

Dear Mr. Frickey:

We are in receipt of a request on your behalf from Ms. Marilyn Rotolo to allow the transfer of your mullet strike net license for reasons of hardship pursuant to Act 1316 of 1995. Pursuant to R.S. 56:333, your request will be heard before a Committee of the Louisiana Wildlife and Fisheries Commission and decided by the Commission. You or your representative will be required to personally appear before the Committee of the Commission immediately prior to a regularly scheduled Commission Meeting to make the request.

In an effort to accommodate you, we have tentatively scheduled your matter for the October 1 Commission meeting. If it is not possible for you to obtain the above documentation prior to that time, we will, at your request, reschedule for November, or a later date. Please advise us by September 30 as to whether you plan to have the matter heard on October 1 or whether it needs to be rescheduled for a later date.

The following documentation must be submitted to the Commission prior to the request being made.

1. A written request signed by you setting forth the name, address and social security number of yourself and the person to whom the license is requested to be transferred and setting forth the basis (reasons) for the request.
2. Your acknowledgment of your child in the form of your sworn declaration executed before a notary public in the presence of two witnesses
3. Sworn notarized affidavit of the child's biological mother attesting to the fact that you are the biological father of the child.


Mr. Harry Frickey
September 18, 1998
Page 2

4. Sworn notarized affidavit of your treating physician setting forth the nature and extent of your disability together with a statement that the condition prevents you from carrying on your livelihood as a commercial fisherman.

Please submit copies of the above documentation to Janis Landry at Post Office Box 98000, Baton Rouge, LA 70898. Your submissions should be made as far in advance of the date the Commission is to consider your matter as possible. The Commission Committee which will hear your matter meets immediately before the regular Commission meeting.

If you are unable to appear on October 1, please contact Ms. Landry at (225) 765-2881 for the purpose of placing your name on the Commission's agenda for the next available regularly scheduled meeting.

Yours truly,



T. Michael Landrum
Deputy General Counsel

c: James H. Jenkins, Jr.
Thomas Gattle
John Roussel
Janis Landry
Susan Hawkins
Marilyn Rotolo

ACKNOWLEDGMENT OF PATERNITY

UNITED STATES OF AMERICA

BY HARRY J. FRICKEY

STATE OF LOUISIANA

OF HARRY J. SHEPHARD

PARISH OF PLAQUEMINES

BE IT KNOWN that on August 4, 1998, before me, DENISE L. MARTIN, a Notary Public duly commissioned and qualified in and for the Parish and State aforesaid, and in the presence of the undersigned witnesses, personally came and appeared:

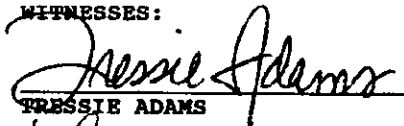
HARRY J. FRICKEY (Date of Birth: November 6, 1945), whose race is white, who is a single man of the full age of majority, domiciled in Plaquemines Parish, Louisiana, and having as his present mailing address P. O. Box 488, Venice, Louisiana 70091;

who declared under oath that he is the father of the child born June 17, 1978, whose mother is Rita M. Shephard, and whose birth is registered in the Parish of Orleans under the name of Harry J. Shephard, and that Harry J. Frickey by this instrument acknowledges the said HARRY J. SHEPHARD as his child in accordance with Louisiana Revised Civil Code Article 203, and that the child's correct name should be Harry J. Frickey, Jr.

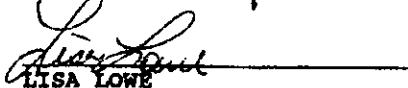
Also appearing before me, and first being duly sworn, the mother of this child, Rita M. Shephard, born on December 11, 1951, who declares that HARRY J. FRICKEY is the natural father of the above named child born to her on the date and place mentioned above.

THUS SIGNED ON the date indicated above at Buras, Louisiana, in the presence of the undersigned Notary Public, qualified in said State and Parish, and the undersigned competent witnesses, who have signed with the appearer after due reading of the whole.

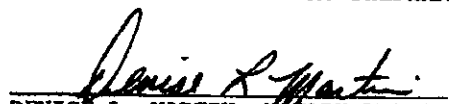
WITNESSES:


FRESSIE ADAMS


HARRY J. FRICKEY


LISA LOWE


RITA M. SHEPHARD


DENISE L. MARTIN, NOTARY PUBLIC
PARISH OF PLAQUEMINES
STATE OF LOUISIANA

STATE OF LOUISIANA

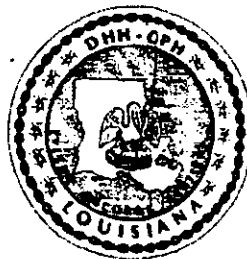
THIS RECORD IS VALID FOR BIRTH ONLY

1538015

CERTIFICATE OF LIVE BIRTH

BIRTH NO. 117 78 36 412

| | | | | | | | |
|---|--|---|---|--|---------------------------------------|---|--|
| 1A. CHILD'S LAST NAME FRICKEY, JR. | | 1B. FIRST NAME HARRY | | 1C. SECOND NAME J. | | 1D. DATE OF BIRTH JUNE 17, 1978 | |
| 2B. HOUR OF BIRTH 11:31 A. | | 3. SEX MALE | 4A. PLURALITY (Specify Single, Twin, Etc.) SINGLE | | 4B. IF NOT SINGLE BIRTH SPECIFY ORDER | | 5. BIRTH WEIGHT (Specify unit) 7 LBS 3 1/2 OZ. |
| 6A. PLACE OF BIRTH (City, Town or Location) NEW ORLEANS | | | 6B. PARISH OF BIRTH ORLEANS | | 6C. PLACE OF BIRTH HOSPITAL | | |
| 6D. NAME OF HOSPITAL OR INSTITUTION (If not in Hospital or Institution give street address or location) CHARITY HOSPITAL OF LA. | | | | | | 6E. PLACE OF BIRTH INSIDE CITY LIMITS (Yes or No) YES | |
| 7A. USUAL RESIDENCE OF MOTHER (City, Town or Location) VENICE | | | 7B. PARISH PLAQUEMINE | | 7C. STATE LOUISIANA | 7D. ZIP 70091 | |
| 7E. STREET ADDRESS (If rural indicate location) P. O. BOX 554 | | | | | | 7F. IS RESIDENCE INSIDE CITY LIMITS? (Yes or No) YES | |
| 8A. FATHER'S LAST NAME FRICKEY | | 8B. FIRST NAME HARRY | | 8C. SECOND NAME J. | | 8D. CITY AND STATE OF BIRTH NEW ORLEANS, LA. | |
| 8E. DATE OF BIRTH 11-06-1945 | | 9A. FATHER'S MAIDEN NAME SHEPHARD | | 9B. FIRST NAME HITA | | 9C. SECOND NAME MARTIN | |
| 9D. CITY AND STATE OF BIRTH NEW ORLEANS, LA. | | 9E. DATE OF BIRTH 12-11-1951 | | 10. NAME OF INFORMANT RITA M. SHARP | | | |
| 11. ADDRESS OF INFORMANT (If same as parent's address enter zip code only) P. O. BOX 554 VENCIE, LA. 70091 | | | | 12. RELATION TO CHILD PARENT | | 13. DATE OF SIGNATURE JUNE 17, 1978 | |
| 14. SIGNATURE AND ADDRESS OF ATTENDING PHYSICIAN D. M. HALE, M.D. | | | | 15. DATE ACCEPTED BY LOCAL REGISTRAR JUL 14 1978 | | 16. DATE FILED BY STATE REGISTRAR JUL 14 1978 | |



I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A CERTIFICATE OR DOCUMENT REGISTERED WITH THE VITAL RECORDS REGISTRY OF THE STATE OF LOUISIANA, PURSUANT TO LSA - R.S. 40:32, ET SEQ.

William H. Barlow
STATE REGISTRAR

October 1, 1998

Mr. T. Michael Landrum
Deputy General Counsel
Louisiana Department of WL&F
P. O. Box 98000
Baton Rouge, LA 70898-9000

RE: Transfer of Mullet Permit

Dear Mr. Landrum:

I, the undersigned, Harry Frickey, Sr., domiciled in Plaquemines Parish, Louisiana, and having as present mailing address P. O. Box 488, (physical address is 111 Frickey Lane), Venice, Louisiana, 70091 Social Security Number 438-64-8938 do hereby request my Louisiana Mullet Permit to be transferred to my son, Harry J. Frickey, Jr.

Harry J. Frickey, Jr. is domiciled in Plaquemines Parish, Louisiana and present mailing address is: P. O. Box 488, (physical address is 111 Frickey Lane), Venice, LA 70091.

I am applying for the transfer of my mullet license and permit under the hardship clause of Act 1316, 333-H because of amputation of my leg due to severe diabetes rendering me incapable of continuing my job, commercial fishing, my main source of income. I am also requesting this transfer under the Hardship Clause because the Department of WL&F nor the Department of WL&F have established a transfer system as required by the law. Documentation of my disability is accompanied with this letter.

If any additional information is required please feel free to contact me at the above address or telephone 504/534-7829.

Sincerely,

Harry J. Frickey, Sr.

Page 2

c: Secretary James H. Jenkins, Jr.

Thomas Gattle

John Roussel

Janis Landry

Susan Hawkins

Danny Babin

IMPORTANT MESSAGE

TO

Mike

DATE

9/23/98

TIME

12:40

A.M.
P.M.

WHILE YOU WERE OUT

M

Marilyn Rotolo

OF

Area Code

& Exchange

504-657-8240

| | | | |
|--------------------------|-------------------------------------|--------------------|-------------------------------------|
| TELEPHONED | <input checked="" type="checkbox"/> | PLEASE CALL | <input checked="" type="checkbox"/> |
| CALLED TO SEE YOU | <input type="checkbox"/> | WILL CALL AGAIN | <input type="checkbox"/> |
| WANTS TO SEE YOU | <input type="checkbox"/> | URGENT | <input type="checkbox"/> |
| <input type="checkbox"/> | | RETURNED YOUR CALL | <input type="checkbox"/> |

Message

Re: Letter to

Harry Truckey.

Operator

Susan



FROM THE DESK OF

MARILYN ROTOLO

TO: Susan Hawkins

DATE: 9-23

FAX NUMBER: 765-0948

3 Pages

IF THERE IS A PROBLEM WITH THIS TRANSMISSION CONTACT

MARILYN ROTOLO, TEL: 504/657-8240

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 18, 1998

MEMORANDUM

TO: Marine Finfish Committee
FROM: Susan Hawkins *Susan Hawkins*
SUBJECT: Committee Meeting

Please be advised there is tentatively scheduled a Marine Finfish Committee Meeting for Thursday, October 1, 1998 at 9:00 AM in the Fourth Floor Conference Room. Consideration of the request on the attached letter will be discussed. I will call you on September 30 to confirm the meeting.

Thank you.

sch

cc: Tom Gattle
James Jenkins, Jr.
John Roussel
Janis Landry
Mike Landrum

Attachment

State of Louisiana



Maurie Frickey Comm.

*Consideration of Mullet
Permit Transfer
Harry Frickey*

James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800
September 18, 1998

M.J. "Mike" Foster, Jr.
Governor

Mr. Harry Frickey
Post Office Box 488
Venice, LA 70091

Dear Mr. Frickey:

We are in receipt of a request on your behalf from Ms. Marilyn Rotolo to allow the transfer of your mullet strike net license for reasons of hardship pursuant to Act 1316 of 1995. Pursuant to R.S. 56:333, your request will be heard before a Committee of the Louisiana Wildlife and Fisheries Commission and decided by the Commission. You or your representative will be required to personally appear before the Committee of the Commission immediately prior to a regularly scheduled Commission Meeting to make the request.

In an effort to accommodate you, we have tentatively scheduled your matter for the October 1 Commission meeting. If it is not possible for you to obtain the above documentation prior to that time, we will, at your request, reschedule for November, or a later date. Please advise us by September 30 as to whether you plan to have the matter heard on October 1 or whether it needs to be rescheduled for a later date.

The following documentation must be submitted to the Commission prior to the request being made.

1. A written request signed by you setting forth the name, address and social security number of yourself and the person to whom the license is requested to be transferred and setting forth the basis (reasons) for the request.
2. Your acknowledgment of your child in the form of your sworn declaration executed before a notary public in the presence of two witnesses
3. Sworn notarized affidavit of the child's biological mother attesting to the fact that you are the biological father of the child.

September 18, 1998

MEMORANDUM

TO: Marine Finfish Committee
FROM: Susan Hawkins
SUBJECT: Committee Meeting

Please be advised there is tentatively scheduled a Marine Finfish Committee Meeting for Thursday, October 1, 1998 at 9:00 AM in the Fourth Floor Conference Room. Consideration of the request on the attached letter will be discussed. I will call you on September 30 to ~~let you know if the meeting will be held or not.~~

Confirm
Thank you.

sch

cc: Tom Gattle
James Jenkins, Jr.
John Roussel
Janis Landry
Mike Landrum

Attachment

ENFORCEMENT CASE REPORT

SEPTEMBER 1998

REGION 1-MINDEN

**PARISHES: WEBSTER, CLAIBORNE,
BOSSIER, CADDO, DESOTO,
RED RIVER, BIENVILLE**

| | | | |
|--------------------|-----------|---------------------------------|----------|
| TOTAL CASES | 66 | WILDLIFE MANAGEMENT AREA | 0 |
|--------------------|-----------|---------------------------------|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 14 | Angling W/O A License |
| 1 | Angling W/O A License Non-Resident |
| 8 | Fishing W/O A Resident Pole License |
| 6 | Hunting W/O Resident License |
| 1 | Hunting W/O Non-Resident License |
| 8 | Hunting W/Unplugged Gun |
| 1 | Possession Wild Quadrapeds W/O A Permit |
| 2 | Failure To Comply W/Hunter Safety Regulations |
| 1 | Hunting Ducks W/O Federal Duck Stamp |
| 1 | Using Lead Shot In Area Designated As Steel Shot Only |
| 5 | Possession Over Limit Doves (Field Possession) |
| 1 | Littering |
| 17 | Boating |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION | |
|---|--|
| 79 doves, 2 lead shot shells, 1 spotted fawn | |
| | |

TOTAL OF EACH CATEGORY FOR REGION 1

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 17 | Boating |
| 0 | Commercial Fishing |
| 7 | Federal Migratory |
| 1 | Littering |
| 0 | Miscellaneous |
| 23 | Recreational Fishing |
| 18 | State Hunting/Trapping |
| 0 | WMA Rules and Regulations |
| | |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 2 | Public Assistance |
| | |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 0 | |

REGION 2- MONROE

**PARISHES: EAST CARROLL, WEST CARROLL,
JACKSON, LINCOLN, MOREHOUSE
OUACHITA, RICHLAND, UNION**

| | | | |
|--------------------|-----------|---|----------|
| TOTAL CASES | 50 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 3 |
|--------------------|-----------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 2 | No Observer In Water Craft While Skiing |
| 4 | No Boat Registration Certificate In Possession |
| 1 | Operate Unregistered Boat |
| 2 | Expired Boat Registration |
| 5 | Failure To Comply With PFD Requirements |
| 1 | Failure To Have PFD On Person Under 13 While Underway |
| 5 | Angle Without A Resident License |
| 1 | Angle Without A Non-resident License |
| 2 | Fish Without Resident Pole License |
| 3 | Hunting Without Resident License |
| 1 | Hunting With Unplugged Gun |
| 3 | No Federal Duck Stamp |
| 1 | Hunt Migratory Game Bird (MGB) With Unplugged Gun |
| 5 | Hunt MGB Over Baited Area |
| 1 | Take Ducks Other Than Teal |
| 2 | Violation of Rules and Regulations on WMA |
| 1 | Use WMA Without Stamp or License |
| 3 | Littering |
| 1 | Careless Operation |
| 1 | Possession of Alcohol Under 21 Years Of Age |
| 2 | Switched License Plate |
| 2 | Operate ATV On Public Road |

| TOTAL | DESCRIPTION OF CITATION |
|-------|-------------------------|
| 1 | Flight From Officer |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION |
|---------------------------------|
| NONE |

TOTAL OF EACH CATEGORY FOR REGION 2

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 15 | Boating |
| -0- | Commercial Fishing |
| 11 | Federal Migratory |
| 3 | Littering |
| 6 | Miscellaneous |
| 8 | Recreational Fishing |
| 4 | State Hunting/Trapping |
| 3 | WMA Rules and Regulations |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|-------|-------------|
|-------|-------------|

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|-------|-------------------------|
| 3 | Russell Sage WMA |
| | |

REGION 3-PINEVILLE

**PARISHES: RAPIDES, WINN ,
NATCHITOCHES, VERNON,
GRANT, SABINE, AVOYELLES**

| | | | |
|--------------------|-----------|---|----------|
| TOTAL CASES | 86 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 6 |
|--------------------|-----------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 2 | Angling W/O A Non-Resident License |
| 20 | Angling W/O A Resident License |
| 1 | Expired Boat Registration |
| 3 | Use Lead Shot In Area Designated As Steel Shot Only |
| 1 | Take Non Game Species Bird |
| 4 | Hunting W/O A Resident License |
| 5 | Hunting With Unplugged Gun |
| 18 | Hunt MGB Over Bait |
| 1 | Hunt MGB Illegal Hours |
| 2 | Aiding & Abetting |
| 1 | Possess Undersize Catfish (Commercial) |
| 3 | Take Duck Other Than Teal In Teal Season |
| 1 | Possession Of Wild Quadruped W/O Permit |
| 2 | Failure To Comply With P.F.D. Req. |
| 1 | Reckless Operation Of A Watercraft |
| 2 | Fish W/O Hook & Line License |
| 2 | Take Overlimit Game Fish (Black Bass) |
| 1 | Spotlight From A Public Road |
| 1 | Untagged Reptile Traps |
| 3 | Operate A.T.V. On Public Road |
| 1 | Flight From An Officer |
| 1 | Possess Squirrels Closed Season |

CONFISCATIONS:

| CONFISCATION DESCRIPTION | |
|---|--|
| 19 – Tree Stands, 359 – Undersized Catfish, 1 Wood Duck, 53 – Doves, 34 – 12 Ga. Lead Shot Shells, 4 – Gray Squirrels, 1 – Fox Squirrel, 25 – Black Bass | |

TOTAL OF EACH CATEGORY FOR REGION 3

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 5 | Boating |
| 1 | Commercial Fishing |
| 23 | Federal Migratory |
| 1 | Littering |
| 9 | Miscellaneous |
| 27 | Recreational Fishing |
| 17 | State Hunting/Trapping |
| 3 | WMA Rules and Regulations |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 0 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 1 | Grassy Lake WMA |
| 1 | Camp Beauregard WMA |
| 1 | Ft. Polk WMA |
| 3 | Boise Vernon WMA |
| | |
| | |

REGION 4-FERRIDAY

**PARISHES: CALDWELL, CATAHOULA,
CONCORDIA, FRANKLIN,
LASALLE, MADISON &
TENSAS**

| | | | |
|--------------------|-----------|---|----------|
| TOTAL CASES | 67 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 5 |
|--------------------|-----------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|---|
| 7 | Boating |
| 13 | Angling W/O A License |
| 5 | Fishing W/O A Pole License |
| 2 | Take Or Possess Overlimit Of Freshwater Gamefish (Crappie) |
| 2 | Hunting W/O Resident License |
| 1 | Hunt Squirrels In Closed Season |
| 2 | Hunt Or Take Deer In Closed Season |
| 2 | Possession Of Illegally Taken Deer In Closed Season |
| 7 | Sell Reptiles Or Amphib Without Collectors License |
| 1 | Trap In Closed Season |
| 2 | No Boat Numbers |
| 1 | No Boat Registration In Possession |
| 1 | Expired Boat Registration Certificate |
| 3 | Failure To Comply With PFD Requirements |
| 13 | Hunting MGB Over Baited Area |
| 1 | Hunt Or Possess Ducks Other Than Teal During Teal Season |
| 1 | Using Lead Shot In Area Designated As Steel Shot Only |
| 1 | Hunting Doves Closed Season |
| 1 | Possess Over Limit Of Ducks (Field Possession) |
| 4 | Not Abiding By Rules & Regulations On WMA |
| 1 | Littering |
| 2 | Miscellaneous Federal Violations (Baiting Dove Field) |

CONFISCATIONS:

| CONFISCATION DESCRIPTION | |
|---|--|
| 1 deer, 342 crappie, 22 teal, 1 pintail, 1 squirrel, 29 doves, 21 lead shot shells, 5 steel traps, 1-12 gauge shotgun. | |

TOTAL OF EACH CATEGORY FOR REGION 4

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 7 | Boating |
| 0 | Commercial Fishing |
| 19 | Federal Migratory |
| 1 | Littering |
| 15 | Miscellaneous |
| 20 | Recreational Fishing |
| 1 | State Hunting/Trapping |
| 4 | WMA Rules and Regulations |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 2 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 1 | Boeuf |
| 1 | Buckhorn |
| 1 | Dewey Wills |
| 2 | Three Rivers |
| | |
| | |

REGION 5 – LAKE CHARLES

**PARISHES: BEAUREGARD
EVANGELINE, CALCASIEU
CAMERON, ACADIA, JEFF
DAVIS, VERMILION**

| | | | |
|--------------------|------------|---|-----------|
| TOTAL CASES | 189 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 42 |
|--------------------|------------|---|-----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 25 | Boating |
| 31 | Angling W/O A License |
| 6 | Angling W/O A Non-Resident License |
| 7 | Take Overlimit Of Game Fish |
| 1 | Take Commercial Fish W/O Commercial Fishing License |
| 1 | Take Commercial Fish W/O Commercial Gear License |
| 1 | Take Commercial Fish W/O Vessel License |
| 1 | Allowing Another To Use Commercial License |
| 1 | Allowing Unlicensed Fisherman To Use Gear License |
| 4 | Hunting W/O Resident License |
| 3 | Hunting From A Public Road |
| 1 | Hunting W/O State Stamp |
| 1 | Hunting Rabbits Closed Season |
| 1 | Take Deer During Closed Season |
| 2 | Take Alligator W/O A License |
| 2 | Illegal Possession Of Alligators |
| 1 | Frogging W/O A License |
| 5 | Hunt MGB W/O Federal Stamp |
| 2 | Hunt MGB W/Unplugged Gun |
| 3 | Hunt Ducks Other Than Teal During Teal Season |
| 3 | Using Lead Shot In Area Designated As Steel Shot Only |
| 4 | Hunt MGB W/O State Stamp |

| TOTAL | DESCRIPTION OF CITATION |
|-------|---|
| 3 | Hunt MGB W/O State Hunting License |
| 3 | Hunt MGB From Public Road |
| 32 | Not Abiding By Commission Rules And Regs. |
| 4 | Possession Of Marijuana |
| 1 | Littering |
| 4 | Other Than Wildlife And Fisheries |
| | |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION | |
|--|--|
| 86 lead shot shells, 3 ice chests, 4 teal, 1 dove, 2 rabbits, 1-4' foot alligator, 119 black bass, 1 deer quarter, ½ deer rib, 1 deer back strap, 1 basic fishing license, 6 crates of crabs-returned –to-water, 112 lbs. of shrimp sold for \$243.50, 1 Winchester shotgun with case, 1 marijuana cigarette, 1 bag of marijuana, 1 medicine bottle of green vegetative material-marijuana. | |

TOTAL OF EACH CATEGORY FOR REGION 5

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 61 | Boating |
| 5 | Commercial Fishing |
| 23 | Federal Migratory |
| 1 | Littering |
| 8 | Miscellaneous |
| 44 | Recreational Fishing |
| 15 | State Hunting/Trapping |
| 32 | WMA Rules and Regulations |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 2 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 36 | Rockefeller Refuge |
| 1 | State Wildlife Refuge |
| 2 | West Bay Wildlife |
| 3 | Sabine Island WMA |
| | |
| | |

REGION 6 -OPELOUSAS

**PARISHES: ST. LANDRY , LAFAYETTE, POINTE
COUPEE, WEST BATON ROUGE, IBERVILLE, ST.
MARTIN, IBERIA**

| | | | |
|--------------------|------------|---|----------|
| TOTAL CASES | 124 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 2 |
|--------------------|------------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|---|
| 38 | Boating |
| 23 | Angling W/O A License |
| 2 | Angling W/O A Non-Resident License |
| 3 | Fish W/O A Resident Pole License |
| 1 | Use Gear W/O A Recreational Gear License |
| 10 | Take Undersize Black Bass |
| 1 | Sell Or Buy W/O A Wholesale/Retail Dealers License |
| 2 | Sell And/Or Buy Fish W/O Retail Seafood License |
| 3 | Take/Possess Undersize Black Drum |
| 1 | Use Illegal Mesh Skimmers |
| 5 | Hunting W/O Resident License |
| 1 | Fail To Comply With Hunter Safety Regulations |
| 3 | Hunt With Unplugged Gun |
| 1 | Hunting MGB With Unplugged Gun |
| 4 | Hunt Or Possess Ducks Other Than Teal During Teal Season |
| 13 | Hunt MGB Over Baited Area |
| 1 | Wanton Waste of MGB |
| 1 | Use Leadshot In Area Designated As Steel Shot Only |
| 1 | Hunting Coots Closed Season |
| 1 | Taking Ibis No Season |
| 4 | Hunt MGB Illegal Hours |
| 1 | Obtain License By Fraud |

| TOTAL | DESCRIPTION OF CITATION |
|-------|-------------------------|
| 1 | Hunt Raccoons Illegally |
| 3 | Littering |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION | |
|---------------------------------|---|
| 2 | skimmer nets 1 woodduck, 938 lbs. of shrimp sold for \$703.50, 12 leadshot shells, 1 shoveler, 19 black bass, 6 ibis, 6 black drum, 1 boat, 23 dove, 1 raccoon, 1 fishing license, 1 coot. |

TOTAL OF EACH CATEGORY FOR REGION 6

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 38 | Boating |
| 4 | Commercial Fishing |
| 26 | Federal Migratory |
| 3 | Littering |
| 1 | Miscellaneous |
| 42 | Recreational Fishing |
| 10 | State Hunting/Trapping |
| 0 | WMA Rules and Regulations |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 0 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--|
| 1 | Sherburne Wildlife Management Area |
| 1 | Attakapas Wildlife Management Area |
| 0 | Thistlethwaite Wildlife Management Area |
| | |
| | |
| | |

REGION 7- BATON ROUGE

**PARISHES: ASCEN., EBR, E. FEL,
W. FEL, ST. HELENA,
ST. TAMMANY, WASH.
LIV, TANG**

| | | | |
|--|-----------|---|----------|
| | 75 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 0 |
|--|-----------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 25 | Boating 1 – D. W. I. |
| 29 | Angling W/O A License |
| 4 | Angling W/O Pole License |
| 1 | Owner to Secure Lic. Plate |
| 1 | Failure to Maintain Records |
| 1 | Failure to Have Comm. Fish Intact |
| 1 | Fail to Comply w/quota, Sell Spotted Seatrout |
| 1 | Take Spotted Setrout W/O Permit |
| 1 | Possession of Illegal Deer C/S |
| 1 | Possession of Un-Tagged Alligator Hides |
| 1 | Violate Alligator Farm Regulations |
| 1 | Over Limit of Doves |
| 1 | Angle W/O Non-Resident License |
| 1 | Sell W/O Wholesale Retail Dealers License |
| 2 | Hunt W/O Resident License |
| 2 | Hunt Migratory Game Bird Over Bait (Dove) |
| 1 | Careless Operation of Vessel |
| 1 | Contribute to the Delinquency of Juvenile |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION |
|--|
| 24 doves, 90 alligator hides, 1 doe deer. |

TOTAL OF EACH CATEGORY FOR REGION 7

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 26 | Boating |
| 5 | Commercial Fishing |
| 3 | Federal Migratory |
| 0 | Littering |
| 2 | Miscellaneous |
| 34 | Recreational Fishing |
| 5 | State Hunting/Trapping |
| 0 | WMA Rules and Regulations |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 1 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 0 | |

REGION 8-NEW ORLEANS

PARISHES: ST. BERNARD,
ST. CHARLES, JEFF.,
ORLEANS, PLAQUEMINES

| | | | |
|--------------|------------|---|----------|
| TOTAL | 151 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 6 |
|--------------|------------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 27 | Boating |
| 43 | Angling W/O A License |
| 4 | Angling w/o a license-non resident |
| 7 | Angling w/o a saltwater license |
| 1 | Take or possess game fish illegally (striped bass) |
| 1 | Take/possess over the limit or undersized freshwater gamefish (catfish) |
| 3 | Possess over the limit of red drum in excess of 27" |
| 3 | Take/possess undersized red drum |
| 5 | Take/possess undersized spotted sea trout |
| 2 | Take/possess undersized black drum |
| 3 | Take commercial fish w/o commercial gear license (trawl) |
| 1 | Fail to maintain records |
| 2 | Take/possess undersize commercial finfish (catfish) |
| 1 | Use crab traps w/o required markings |
| 1 | Violate crab trap escape ring requirements |
| 3 | Theft of crab traps |
| 2 | Use trawls exceeding size requirements (offshore La. Waters) |
| 5 | Take undersize oysters from natural reef |
| 3 | Violation of Sanitary Code-Chapter 9 (Fail to refrigerate properly) |
| 3 | Violation of Sanitary Code-Chapter 9 (Vessel regulations) |
| 10 | Violation of mullet regulations |
| 1 | Take alligators from other than approved area |

| TOTAL | DESCRIPTION OF CITATION |
|-------|--|
| 3 | Take alligators w/o a license |
| 1 | Hunting ducks w/o a Federal stamp |
| 1 | Hunting MGB with unplugged gun |
| 2 | Hunting MGB over baited area |
| 3 | Hunting and /or possess ducks other than teal during teal saeson |
| 2 | Wanton waste of MGB |
| 3 | Using lead shot in area designated as steel shot only |
| 1 | Possess over the limit of ducks |
| 1 | Hunt MGB w/o state hunting license |
| 1 | Littering |
| 1 | D. W.I. |
| | |
| | |
| | |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION |
|---|
| <p>Confiscations sold: 2,099 pounds of shrimp \$4,514.55. Ground mullet, 110 pounds for \$33.00. 2 alligators for \$156.00. Confiscations returned to water: 2 red drum, 439 sacks of oysters. Seafood and game donated: 29 doves, 3 pigeons, 11 teal, 3 mottled ducks, 187 catfish, 4 crappie, 1 striped bass, 17 red drum, 15 spotted sea trout, 10 black drum, hardware confiscated: 10 trawls, 10 crab traps, 1 cast net, 32 lead shot shotgun shells, 1 resident basic fishing license, 1 resident saltwater license.</p> |

TOTAL OF EACH CATEGORY FOR REGION 8

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 27 | Boating |
| 35 | Commercial Fishing |
| 14 | Federal Migratory |
| 1 | Littering |
| 1 | Miscellaneous |
| 69 | Recreational Fishing |
| 4 | State Hunting/Trapping |
| 0 | WMA Rules and Regulations |
| | |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 3 | Public Assistance |
| | |
| | |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 3 | Pas a Loutre |
| 2 | Biloxi |
| 1 | Salvador |
| | |
| | |
| | |

REGION 9 – THIBODAUX

**PARISHES: TERREBONNE, LAFOURCHE,
 ASSUMPTION, ST. MARY,
 ST. JOHN, ST. JAMES,
 GRAND ISLE,
 LOWER ST. MARTIN**

| | | | |
|--------------------|------------|---|-----------|
| TOTAL CASES | 237 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 42 |
|--------------------|------------|---|-----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|---|
| 37 | Boating |
| 36 | Angling W/O A License |
| 19 | Angling W/O A License Non-Resident |
| 19 | Angling W/O Saltwater License |
| 8 | Angling W/O Saltwater License Non-Resident |
| 14 | Take Undersized Red Drum |
| 5 | Take Undersized Spotted Sea Trout (Rec) |
| 21 | Take Undersized Black Drum (Rec) |
| 3 | Take O/L Black Drum (Rec) |
| 1 | Fail To Have Commercial License In Possession |
| 1 | Take Commercial Fish W/O Commercial License |
| 2 | Take Commercial Fish W/O Commercial Gear License |
| 4 | Take Undersize Commercial Finfish (Catfish) |
| 1 | Buy Commercial Fish From Un-License Fisherman |
| 1 | Removing Contents From Crab Traps |
| 1 | Take Oysters W/O Oyster Harvester License |
| 1 | Possess Over 20 % Undersize Crabs |
| 1 | Failure To Have Written Permission |
| 5 | Hunting W/O Resident License |
| 2 | Hunting W/Unplugged Gun |
| 1 | Hunt MGB W/O State Stamp |

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 1 | Fail To Comply W/Hunter Safety Regulations |
| 1 | Fail To Comply With Alligator Asst. Regulations |
| 3 | Hunting Ducks W/O Federal Stamp |
| 1 | Hunting With Unsigned Duck Stamp |
| 6 | Hunting MGB With Unplugged Gun |
| 8 | Hunting Ducks Other Than Teal During Teal Season |
| 1 | Possess Untagged MGB |
| 1 | Possess of Completely Dressed MGB (No Wing Tip Left On) |
| 6 | Wanton Waste Of MGB |
| 4 | Using Lead Shot In Area Designated As Steel Shot Only |
| 1 | Hunting Coots Closed Season |
| 1 | Possess O/L Of Ducks (Field Possession) |
| 1 | Taking Herons-No Season |
| 8 | Not Abiding By Rules & Regulations On WMA |
| 2 | Other Than WLF (Possession Of Alcohol Person Under 21) |
| 2 | Violation Of Sanitary Code-Chapter 9 (Oysters) |
| 1 | Pollution Of State Waters |
| 5 | Hunting MGB Illegal Hours |
| 1 | Take O/L Of Red Drum (On Water) |
| | |
| | |
| | |
| | |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION | |
|--|--|
| 40 lbs of shrimp, 4 trout, 26 red drum, 77 black drum, 15 teal ducks, 1 blue heron, 1 spoonbill, 1 gallinule, 3 mottled ducks, 1 dove, 1 coot, 500 lbs crabs, 439 catfish, 17 dressed birds, 312 catfish sold for \$63.45, 2 teal decoys, 2 beer bottle, 4 skimmer nets, 2 shotguns, 1 federal duck stamp, lead shot shells, 1 black duck | |

TOTAL OF EACH CATEGORY FOR REGION 9

| TOTAL | DESCRIPTION |
|--------------|--|
| 37 | Boating |
| 12 | Commercial Fishing |
| 126 | Recreational Fishing |
| 2 | Oyster |
| 9 | Hunting General |
| 1 | Alligator |
| 2 | Other Than Wildlife and Fisheries |
| 8 | WMA Rules and Regulations |
| 38 | General Migratory |
| 2 | Miscellaneous |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 2 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 37 | Pointe Au Chene |
| 2 | Atchafalaya Delta |
| 3 | Manchac |
| | |
| | |
| | |

REGION -STATEWIDE STRIKE FORCE**PARISHES: STATEWIDE**

| | | | |
|--------------------|-----------|---|-----------|
| TOTAL CASES | 84 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 47 |
|--------------------|-----------|---|-----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 24 | Boating |
| 13 | Angling W/O A License |
| 2 | Angling W/O A Saltwater License |
| 2 | Take Or Possess Undersize Red Drum |
| 1 | Take Or Possess Undersize Black Drum |
| 1 | Take Or Possess Overlimit Black Drum |
| 2 | Fail To Have Commercial License In Possession |
| 2 | Take Commercial Fish W/O Commercial Gear License |
| 1 | Take Or Possess Commercial Fish W/O Vessel License |
| 9 | Fail To Have Written Permission |
| 9 | Unlawfully Take Oysters Off A Private Lease |
| 2 | Hunting W/Unplugged Gun |
| 1 | Fail to Comply With Hunter Safety Regs. |
| 1 | Hunting Ducks Or Geese W/O Federal Stamp |
| 3 | Hunting MGB With Unplugged Gun |
| 1 | Hunting And/Or Possess Ducks Other Than Teal |
| 1 | Possess Untagged MGB |
| 1 | Possess Overlimit Of Ducks |
| 1 | Taking Herons-No Season |
| 1 | Hunting MGB W/O A State Stamp |
| 1 | Hunting MGB From Public Road |
| 4 | Not Abiding By Rules And Regs. On WMA |
| 1 | Using Lead Shot in Area Designated as Steel Shot Only |

CONFISCATIONS:

| CONFISCATION DESCRIPTION |
|--|
| 17 ducks donated, 43 sacks of oysters returned to water, 15 black drum, 8 red drum. |

TOTAL OF EACH CATEGORY FOR STATEWIDE STRIKE FORCE

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 24 | Boating |
| 23 | Commercial Fishing |
| 14 | Federal Migratory |
| 0 | Littering |
| 0 | Miscellaneous |
| 19 | Recreational Fishing |
| 0 | State Hunting/Trapping |
| 4 | WMA Rules and Regulations |
| | |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 0 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 47 | Point-Au-Chenes |

REGION -SEAFOOD INVESTIGATIVE UNIT**PARISHES: STATEWIDE**

| | | | |
|--------------------|----------|---|----------|
| TOTAL CASES | 8 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 0 |
|--------------------|----------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|--|
| 2 | Fail to Maintain Records |
| 2 | Possession Or Sale Undersized Crabs |
| 2 | Sell Undersize Crabs (10% to 19%) |
| 1 | Possess Over 20% Undersize Crabs |
| 1 | Fishing Without A License |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION |
|---|
| 900 lbs. of crabs returned –to-water. 400 lbs. of processed crab meat. |

TOTAL OF EACH CATEGORY FOR SEAFOOD INVESTIGATIVE UNIT

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 0 | Boating |
| 7 | Commercial Fishing |
| 0 | Federal Migratory |
| 0 | Littering |
| 0 | Miscellaneous |
| 1 | Recreational Fishing |
| 0 | State Hunting/Trapping |
| 0 | WMA Rules and Regulations |
| | |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 0 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 0 | |
| | |

REGION -OYSTER STRIKE FORCE**PARISHES: STATEWIDE**

| | | | |
|--------------------|-----------|---|----------|
| TOTAL CASES | 45 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 0 |
|--------------------|-----------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|---|
| 1 | Boating |
| 1 | Angling W/O Non-Resident Basic License |
| 1 | Fishing W/O Non-Resident Saltwater License |
| 8 | Angling W/O A Basic License |
| 6 | Fishing W/O Saltwater License |
| 3 | Possess Undersize Black Drum |
| 2 | Possess Overlimit Black Drum |
| 1 | Possess Untagged Oysters |
| 1 | Pollution Of State Waters (Illegal Bilge Discharge) |
| 1 | Take Oysters W/O Commercial License In Possession |
| 1 | Failure To Have Written Permission To Take Oys. From A Private Lease |
| 3 | Failure To Cover Oysters With Vessel Tarp |
| 1 | Take Oysters W/O Vessel License |
| 2 | Violation Of Sanitary Code-Fail To Complete Harvester Log Book |
| 6 | Take Undersize Oysters From State Grounds |
| 1 | Unlawful Removal Of Contents Of Crab Traps |
| 1 | Fail To Tag Alligator Upon Taking |
| 1 | Violate Alligator Farm Regulations |
| 3 | Failure To Maintain Records |

CONFISCATIONS:

| CONFISCATION DESCRIPTION |
|--|
| 52 sacks of oysters, 14 black drum. |

TOTAL OF EACH CATEGORY FOR OYSTER STRIKE FORCE

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 1 | Boating |
| 1 | Commercial Fishing |
| 0 | Federal Migratory |
| 0 | Littering |
| 2 | Miscellaneous |
| 21 | Recreation Fishing |
| 2 | State Hunting/Trapping |
| 0 | WMA Rules And Regulations |
| 18 | Oysters |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 0 | Public Assistance |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 0 | |

S.W.E.P. -COASTAL**PARISHES: STATEWIDE**

| | | | |
|--------------------|----------|---|----------|
| TOTAL CASES | 9 | WILDLIFE MANAGEMENT AREA (WMA) & REFUGES | 0 |
|--------------------|----------|---|----------|

| TOTAL | DESCRIPTION OF CITATION |
|--------------|---|
| 3 | Violation Of Chapter 9-Sanitary Code |
| 3 | Angling W/O Resident License |
| 1 | Use Saltwater Net Illegally |
| 1 | No Vessel License |
| 1 | Expired Boat Registration |
| | |
| | |

CONFISCATIONS:

| CONFISCATION DESCRIPTION |
|---------------------------------|
| None |

TOTAL OF EACH CATEGORY FOR S.W.E.P.

| TOTAL | DESCRIPTION |
|--------------|----------------------------------|
| 1 | Boating |
| 5 | Commercial Fishing |
| 0 | Federal Migratory |
| 0 | Littering |
| 0 | Miscellaneous |
| 3 | Recreational Fishing |
| 0 | State Hunting/Trapping |
| | WMA Rules and Regulations |

TOTAL NUMBER FOR PUBLIC ASSISTANCE

| TOTAL | DESCRIPTION |
|--------------|--------------------------|
| 0 | Public Assistance |
| | |

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

| TOTAL | NAME OF MANAGEMENT AREA |
|--------------|--------------------------------|
| 0 | |
| | |

TOTAL CASES WMA AND REFUGES-1045 106

TOTAL CASES ~~-106~~ 1045

ENFORCEMENT AVIATION REPORT
SEPTEMBER, 1998

185-Amph. - 61092
Hrs. - 22.1

185-Float - 70365
Hrs. - 9.1

210 - 9467Y
Hrs. - 9.9

Enforcement Hours - 30.9

Other Divisions - 10.2

Total Plane Use - 41.1

DRAFT REGULATIONS

- A.) "It shall be Unlawful to take Geese when not in flight (Flying) or therein cause Geese to be Taken."*
- B.) "It shall be Unlawful to take Geese when not in flight or therein causing Geese to fly for the purpose of being taken."*

* - An exclusion may be needed to address AG Depredation caused by Geese. It could be stated as the following:

"This support (Regulation) shall not apply to Geese taken during Legal Hunting Season, with Legal Means, that are to be determined to be Depredating bonified Agricultural and/or Agriculture crops."

DRAFT RECOMMENDATIONS

1. Adopt and Implement New Regulation as written.
2. Adopt New Regulation and Enact effective date of October 1, 1999, October 1, 2000 etc.
3. Adopt New Regulation and Place moratorium on enforcement until November 1, 2000.
4. Adopt Regulation and allow "creeping" or set Regulation not to be in force only during that time when the whitefront (specklebelly) and Canada Goose seasons are closed.

Allow this for periods that only Snow Goose hunting season is in progress.

61 ¶ 2.33

Wildlife Code § 2.33

and on Department owned, managed, leased or controlled lands, a 100 yard restriction shall apply;

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so;

(w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer;

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon;

(y) It is unlawful to hunt wild game protected by this Act between sunset and sunrise except that hunting hours between sunset and sunrise may be established by administrative order for fur-bearing mammals, deer, wild turkey and migratory waterfowl;

(z) It is unlawful to take any game bird (excluding wild turkeys), migratory game birds or migratory waterfowl protected by this Act when not flying, except crippled birds otherwise irretrievable;

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals;

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into or possess alive in this State, any species of wildlife taken outside of this State without obtaining permission to do so from the Director;

(cc) It is unlawful for any person to have in their possession any freshly killed species protected by this Act during the season closed for taking;

(dd) It is unlawful to take any species protected by this Act and retain it alive;

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative orders.

This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

Nothing contained in this Section shall prohibit the use of bow and arrow.

Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or persons physically unable to walk, to shoot or hunt from a standing vehicle, provided that such is otherwise in accord with this Act.

Nothing contained in this Act shall prohibit the taking of birds and mammals protected by this Act, except deer, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than BB may be used.

Amended by P.A. 82-783, Art. III, § 30, eff. July 13, 1982; P.A. 83-722, § 2, eff. Sept. 23, 1983.

CHAPTER 61 — WILDLIFE

2.33-1. Shotguns on boats

§ 2.33-1. Notwithstanding any other provision of this Act, no person shall place, carry, possess or transport a shotgun on a boat of any type in an area under the jurisdiction of the Department of Conservation during the period March 1 to May 31, both inclusive.

No State agency shall issue or make any rule, regulation, order or agreement which is in conflict with this Section.

Added by P.A. 81-475, § 1, eff. Jan. 1, 1980.

2.33a. Traps—Illegal methods

§ 2.33a. (a) It is unlawful to fail to visit and remove all animals from traps staked out, set, used, tended, placed or maintained at least once each calendar day.

(b) It is unlawful for any person to set, use, or maintain a leghold trap or one of similar construction on land, that has a jaw spread of larger than 6½ inches (16.6 CM), or a body-gripping trap or one of similar construction having a jaw spread larger than 7 inches (17.8 CM) on a side if square and 8 inches (20.4 CM) if round;

(c) It is unlawful for any person to set, use, or maintain a leghold trap or one of similar construction in water, that has a jaw spread of larger than 7½ inches (19.1 CM), or a body-gripping trap or one of similar construction having a jaw spread larger than 10 inches (25.4 CM) on a side if square and 12 inches (30.5 CM) if round;

(d) It is unlawful to use any trap with saw-toothed, spiked, or toothed jaws;

(e) It is unlawful to destroy, disturb or in any manner interfere with dams, lodges, burrows or feed beds of beaver while trapping for beaver or to set a trap inside a muskrat house or beaver lodge, except that this shall not apply to Drainage Districts who are acting pursuant to the provisions of Section 2.37;

(f) It is unlawful to trap beaver with a leghold trap or one of similar construction having a jaw spread of less than 5½ inches (13.9 CM) or more than 7½ inches (19.1 CM) except that this shall not apply during the open season for trapping muskrats;

(g) It is unlawful to set traps closer than 10 feet (3.05 M) from any hole or den which may be occupied by a game mammal or fur-bearing mammal except that this restriction shall not apply to water sets.

(h) It is unlawful to trap or attempt to trap any fur-bearing mammal with any colony, cage, box, or stove-pipe trap designed to take more than one mammal at a single setting.

(i) It is unlawful for any person to make any set or place any trap or any part thereof including chain, or drag designed to take any fur-bearing mammal protected by this Act during the closed trapping season. Proof that any part of any trap including the trap itself, chain, or drag was placed during the closed trapping season shall be deemed prima facie evidence of a violation of this provision.

(j) It is unlawful to place, set, or maintain any leghold trap or one of similar construction within thirty (30) feet (9.14 m) of bait placed in such a manner or position that it is not completely covered and concealed from sight, except that this shall not apply to underwater sets. Bait shall mean and include any bait composed of mammal, bird, or fish flesh, fur, hide, entrails or feathers.

John J. Serigny
9/18/1998
Cut Off, LA 70345

Mr. Hugh "Butch" Bateman
Wildlife Division Administrator
LA Dept. of Wildlife and Fisheries
PO Box 98000
Baton Rouge, LA 70898-9000

Dear Butch,

I am writing you to voice my opposition to the effort to reverse the goose creeping law that was first put into effect a few years ago in Louisiana. I firmly believe that the reversal of this law is a regression in standards of ethical hunting behavior in our state. I also believe that the reason given for the reversal is an opportunistic attempt by certain individuals to hide behind scientific game management in order to achieve their own selfish ends. The opportunity to creep geese will do more harm to species like the white-fronted and Canada goose than it will benefit snow goose populations. Managers tell us that hunting accounts for a very small part of the mortality that geese suffer each year. If this is the case, increasing hunting mortality will do little if anything to solve the current over abundance of snow and blue goose numbers.

In my thirty-some-odd years as a hunter I have looked at the sport from many points of view. I have been a Ducks Unlimited member since 1974, and I have served as area chairman, sponsor chairman, zone vice-president, national trustee, state greenwing chairman, trustee emeriti, MARSH committee member, and MARSH committee chairman. I have been a sponsor member for the last ten years, and my wife and I are currently enrolled as life sponsors. I have been a state certified hunter safety instructor since 1982. From these roles I have witnessed many divergent opinions of Louisiana sportsmen—opinions that range from ridicule to concern to outright hatred. Not many years ago the sportsmen of this state were reviled for their blatant outlaw tactics, including the creeping and wholesale slaughter of outrageous numbers of geese as evidenced by videos made by federal enforcement officials. As a teacher and hunter safety instructor, I have worked diligently to teach the new members of the hunting fraternity to act ethically and respectfully towards the resource. I feel reversing this law will encourage the very type of unethical behavior that we teach to avoid. As a Ducks Unlimited member I feel this effort will serve to once again cast a negative light on the hunters of Louisiana and will encourage federal officials to exert increased pressure on sportsmen in Louisiana. I implore you cast your vote against changing this important statute.

Sincerely,

John J. Serigny

DAVID----THIS IS A COPY OF THE LETTER I SENT TO BUTCH BATEMAN AND THE MEMBERS OF THE COMMISSION. MR. DON WILL SEND ONE THAT IS VERY SIMILARLY WORDED. I REALLY HOPE THIS HELPS. JOHN S & JIMMY K



Acadia Parish Tourist Commission

P. O. Box 1342
Crowley, LA 70527-1342
Phone (318) 783-2108
Fax (318) 783-2142

Representing:
Church Point
Crowley
Estherwood
Iota
Mermontau
Morse
Rayne

Mr. Hugh Bateman
Wildlife Division
LA Dept. of Wildlife & Fisheries
PO Box 9800
Baton Rouge, LA 70898-9000

Dear Mr. Bateman.

This letter is being written to voice the opposition to current efforts that are being brought forth to abolish the anti-geese creeping regulation.

Experts agree that, by the turn of the century, the largest industry in Louisiana may not be oil and gas or agriculture. Chances are that it will be tourism, today a \$7.1 billion business and rapidly expanding. An important component of this burgeoning industry is nature tourism, itself one of the fastest growing segments of the travel industry. This increasing interest in nature tourism offers new economic opportunities for private landowners, rural communities, cities and others interested in making tourism their business. In the last decade or so, travelers have begun to look for more than traditional tourist experiences. They seem to want to participate as well as observe and be entertained.

A 1996 survey by the U.S. Fish and Wildlife Service found that American wildlife watchers (of which the ABA says 80 percent are birders) spent \$31 billion on wildlife-related recreation that year. The Texas Coastal Birding Trail is just another example of small town America capitalizing on their natural resources.

To be successful, both consumptive and nonconsumptive tourism business must be sustainable for future generations. To do this the visitors and communities must both appreciate and conserve an area's natural and cultural resources.

As LA Dept. Of Wildlife and Fisheries looks at the challenge of managing the growing population of Snow Geese, there are many factors to consider. Management may well be the key word. Many industries have a very big interest in the regulation you are about to review. We encourage you to consider other means than "Creeping" that would allow the sportsman to enjoy a "sporting" hunt while in the mean time encourage future generations of geese to winter in South West Louisiana.

Respectfully,

Paulette Adam
President
Acadia Parish Tourist Commission

Factors to Consider Before Changing Regulations on Goose Creeping

Several factors need to be considered before current regulations are changed regarding goose creeping. While there is considerable interest in increasing harvest of the Mid-continent Lesser Snow Goose population, that in itself doesn't justify changing the current regulation. At the recent meeting in Monroe, Louisiana, on efforts to control the population, it was noted that the wintering population of white geese in southwestern Louisiana has remained relatively stable through time. The increases in the population are primarily being observed in northeastern Louisiana and Arkansas. Efforts to increase harvest should be focused in these areas to help control the growth of the population.

While hunting has been identified as the preferred method of controlling the white goose population, the magnitude of the increase in kill cannot be obtained just by allowing creeping. I suspect that harvest of white geese may decline in Louisiana if creeping is allowed in southwestern Louisiana. The density of hunters is greatest in southwestern Louisiana, and incidental harvest (primarily by duck hunters opportunistically harvesting snow geese), is dependent upon large numbers of birds remaining in the areas with the greatest density of hunters. Increased disturbance resulting from creeping would probably cause more birds to disperse to north Louisiana and Arkansas, where hunting pressure is less, resulting in a reduced kill. If creeping is allowed, I would suggest it be allowed north of I-10, to pressure more birds to return to southwestern Louisiana, where more hunters are.

To increase harvest of snow goose, it is important to get more hunters out for snow geese during the snow goose only season. The appeal of creeping is the idea that a lot of white geese can be killed easily. While it is a method that can be used to kill geese, the focus of most creeping efforts during the regular goose season would be directed towards white-fronted geese (i.e. specklebellies). Harvest of white-fronts, a species which is already subject to high harvest rates, will increase, perhaps to the detriment of the population. If the population was to decline, a reduction in the white-front season or bag would be a serious blow to the hunters of Louisiana. One would hope that we would never see the regulations we currently have on Canada geese extended to include white-fronts. If creeping were allowed during the snow goose only season, it would entice more hunters to participate, without increasing pressure on white-fronts.

Any changes made, should clearly warn that trespassing regulations still apply.

Clinton Jeske
Duson, Louisiana

| | |
|---------------------------|--|
| OPTIONAL FORM 99 (7-90) | |
| FAX TRANSMITTAL | |
| # of pages 1 | |
| To David Boudreaux | From Clinton Jeske |
| Dupl Agency | Phone # 318-266-8652 |
| Fax # 318-783-1600 | Fax # 318-266-8554 |
| NSN 7540-01-317-7168 | 5025-101 GENERAL SERVICES ADMINISTRATION |

Public Comment on the Notice of Intent to Repeal the Current Goose Creeping Regulation

At the June 4, 1998 Wildlife and Fisheries Commission meeting, the Wildlife Division presented a Notice of Intent to abolish the current Commission Rule of prohibiting goose creeping. This Commission Rule has been in effect since August 1988. After discussion and public comment, the Commission passed a motion to give its Notice of Intent to abolish the regulation that prohibits goose creeping. Wildlife Division received written public comment on the Proposed Rule through September 2, 1998.

Wildlife Division received 176 total responses concerning the proposed rule. One hundred sixty-two (92 %) respondents indicated they were in favor of abolishing the current rule that prohibits goose creeping, as opposed to 14 (8%) respondents in favor of maintaining or modifying the current rule. The responses were grouped according to the primary reason stated for abolishing or maintaining the current rule (some respondents indicated more than one reason).

In addition, an informal survey conducted in Cameron Parish was submitted to Wildlife Division. A total of 472 people were surveyed with 455 indicating they were in favor of abolishing the current rule and 17 indicating they were in favor of maintaining or modifying the current rule.

The attached table indicates the results of the responses concerning the Notice of Intent to abolish the current Commission Rule of prohibiting goose creeping. The results of the informal survey are also included.

| | |
|-------------------|-----|
| Total Respondents | 176 |
|-------------------|-----|

| | | |
|--|-----|--------|
| Abolishing Current Goose Creeping Regulation | 162 | 92.0 % |
| Overpopulation of Snow Geese | 123 | 75.9 % |
| Increase Hunting Opportunity | 27 | 16.7 % |
| Decrease Crop Damage | 2 | 1.2 % |
| Other or no reason given | 10 | 6.2 % |
| General Public | 143 | |
| Public Officials | 6 | |
| Local Government and Associations | 10 | |
| Conservation Groups | 3 | |

| | | |
|--|----|--------|
| Maintaining or Modifying Current Goose Creeping Regulation | 14 | 8.0 % |
| Trespassing Issue | 3 | 21.4 % |
| Promote Unethical Hunting | 4 | 28.6 % |
| High Pressure on Geese | 3 | 21.4 % |
| Encourage Poaching | 1 | 7.2 % |
| Other or no reason given | 3 | 21.4 % |
| General Public | 7 | |
| Public Officials | 4 | |
| Local Government and Associations | 2 | |
| Conservation Groups | 1 | |

Opinion Survey Conducted by Loston McEvers (Louisiana Outdoor Writers Association) and Malcolm Savoie (Cameron Parish Police Jury) in Cameron Parish, Louisiana

Are You in Favor of Goose Creeping?

| | |
|-------------------------------|-------------|
| For (Abolishing Current Rule) | 455 (96.4%) |
|-------------------------------|-------------|

| | |
|------------------------------------|-------------|
| Against (Maintaining Current Rule) | 17 (3.6 %) |
|------------------------------------|-------------|

| 1999 | | February | | | 1999 | |
|--------|--------|----------|-----------|----------|--------|----------|
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| | 1 | 2 | 3 | 4 ✓ | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | | | | | | |

SCHEDULE FOR FINAL RULES TO BE PUBLISHED IN STATE REGISTER

| | |
|---------------|---|
| OCT-98 | RULE - Reef Fish-Daily Take, Possession & Size Limits Set by Commission |
| NOV-98 | RULE - Non-Resident Charter Trip Fishing License RULE - Goose Creeping |
| DEC-98 | RULE - Harvest Regulations - Billfishes RULE - 1999 Turkey Season |
| JAN-99 | RULE - Black Bass Regulations, Eagle Lake |
| FEB-99 | RULE - Seismic Exploration RULE - Shark Regulations |

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CIVIL RESTITUTION ACTIVITY REPORT

DATE: 30-SEP-1998

| | CURRENT MONTH 09/01/1998 TO 09/30/1998 | | FISCAL YEAR TO DATE 07/01/1998 TO 09/30/1998 | | INCEPTION TO DATE 09/30/1998 | |
|---------------------------------|---|-------------|---|-------------|---------------------------------|----------------|
| | # CASES | AMOUNT | # CASES | AMOUNT | # CASES | AMOUNT |
| ORIG RESTITUTION VALUES ENTERED | 8 | \$2,768.96 | 27 | \$6,225.09 | 3,620 | \$2,475,882.58 |
| HEARING COSTS ASSESSED | 0 | \$0.00 | 7 | \$175.00 | 157 | \$3,925.00 |
| SALE OF CONFISCATED COMMODS | 0 | \$0.00 | 0 | \$0.00 | 331 | \$269,865.45- |
| SALES EXCEEDING RESTITUTION | 0 | \$0.00 | 0 | \$0.00 | 148 | \$71,951.21 |
| ===== | | | | | | |
| RESTITUTION ASSESSED | 8 | \$2,768.96 | 27 | \$6,400.09 | 3,620 | \$2,281,893.34 |
| PAYMENTS | 11 | \$2,000.36- | 28 | \$5,012.84- | 2,382 | \$402,922.57- |
| DISCOUNTS FOR TIMELY PAYMENTS | 9 | \$1,148.23- | 20 | \$2,237.45- | 1,638 | \$196,771.67- |
| OVERPAYMENTS | 1 | \$3.00 | 2 | \$207.74 | 101 | \$2,035.14 |
| REFUND OF OVERPAYMENT | 0 | \$0.00 | 1 | \$204.74 | 39 | \$7,565.07 |
| APPLIED CONFISCATED COMMODS | 0 | \$0.00 | 0 | \$0.00 | 4 | \$18,449.45- |
| APPLIED EXCEEDING BALANCE DUE | 0 | \$0.00 | 0 | \$0.00 | 4 | \$10,601.49 |
| REFUND OF CONFISCATED COMMOD. | 0 | \$0.00 | 0 | \$0.00 | 18 | \$78,254.09 |
| RETURNED CHECKS | 0 | \$0.00 | 0 | \$0.00 | 1 | \$36.75 |
| MISC. ADJUSTMENTS | | | | | | |
| DEBITS | 0 | \$0.00 | 0 | \$0.00 | 2 | \$35.00 |
| CREDITS | 0 | \$0.00 | 0 | \$0.00 | 13 | \$10.22- |
| REASSESSMENTS | | | | | | |
| DEBITS | 1 | \$309.52 | 1 | \$309.52 | 20 | \$6,877.19 |
| CREDITS | 1 | \$309.52- | 1 | \$309.52- | 55 | \$34,404.98- |
| WRITE-OFFS | 0 | \$0.00 | 0 | \$0.00 | 207 | \$138,113.64- |
| ASSESSMENTS WITHDRAWN | 0 | \$0.00 | 0 | \$0.00 | 6 | \$1,399.24- |
| ADJUDICATION ADJUSTMENTS | 0 | \$0.00 | 0 | \$2.00- | 0 | \$4,297.59- |
| FOUND NOT RESPONSIBLE | 0 | \$0.00 | 0 | \$0.00 | 29 | \$27,932.90- |
| CASES VOIDED BY ENFORCEMENT | 0 | \$0.00 | 0 | \$0.00 | 0 | \$0.00 |
| ===== | | | | | | |
| ** TOTAL OUTSTANDING | | | | | 1,012 | \$1,562,995.81 |

FOOTNOTE:

| | | | | | | |
|---------------------------------|---|---------|---|---------|----|--------------|
| PAYMENTS FROM COLLECTION EFFORT | 1 | \$25.00 | 2 | \$50.00 | 60 | \$11,144.67 |
| AMOUNT PAID TO COLLECTOR | 0 | \$6.25 | 1 | \$12.50 | 3 | \$2,786.16 |
| FORFEIT OF CONFISCATED COMMODS | | \$0.00 | | \$0.00 | | \$3,202.60 * |

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CIVIL RESTITUTION ACTIVITY REPORT

DATE: 30-SEP-1998

AGING OF SALE OF CONFISCATED COMMODITIES

AGING OF OUTSTANDING CASES

| VIOLATION DATE UNKNOWN | 0 | \$0.00 | CAN NOT BE INVOICED CURRENT | | |
|------------------------|-----|--------------|--------------------------------|-------|----------------|
| 1 - 30 DAYS | 5 | \$400.70 | 1 - 30 DAYS | 4 | \$200.83 |
| 31 - 60 DAYS | 23 | \$36,794.47 | | 4 | \$1,415.23 |
| 61 - 90 DAYS | 15 | \$4,092.05 | | 4 | \$742.29 |
| 91 - 120 DAYS | 28 | \$37,455.65 | 31 - 90 DAYS | 3 | \$697.38 |
| 121 - 150 DAYS | 18 | \$18,504.15 | | | |
| 151 - 180 DAYS | 5 | \$1,930.60 | 91 - 180 DAYS | 7 | \$12,656.40 |
| 181 - 365 DAYS | 58 | \$33,606.68 | 181 - 365 DAYS | 45 | \$75,491.16 |
| OVER ONE YEAR | 106 | \$61,380.20 | CASES SENT FOR COLLECTION | 109 | \$506,623.59 |
| OVER TWO YEARS | 173 | \$166,903.58 | OVER 1 YEAR PENDING | 0 | \$0.00 |
| OVER THREE YEARS | 242 | \$180,298.42 | OVER 1 YEAR (OTHER) | 836 | \$965,170.93 |
| | | ===== | | | ===== |
| ** TOTAL AGING | 673 | \$541,366.50 | ** TOTAL AGING | 1,012 | \$1,562,997.81 |

| NO. CASES | AMOUNT | CREDIT FOR | NO. CASES | AMOUNT | DISCOUNTS | TAKEN | DOLLARS PAID | CASES PAID |
|-----------|--------|------------|------------|--------|-----------|-------|--------------|------------|
| | | | | | | | | |
| ASSESSED | | | PAID | | | PAID | | |
| ASSED | | | SALE GOODS | | | | | |

| FISCAL YEAR 1994-95 | | FISCAL YEAR 1995-96 | | FISCAL YEAR 1996-97 | | FISCAL YEAR 1997-98 | | FISCAL YEAR 1998-99 | | FISCAL YEAR 1999-00 | | | | | | | |
|---------------------|-----|---------------------|----------|---------------------|--------|---------------------|-------|---------------------|---------------|---------------------|---------|----------|-----|--------|--------|-------|-------|
| Total FY 1994 | 476 | 425,242 | (68,670) | 379 | 71,474 | 45,547 | 27.5% | 79.6% | Total FY 1998 | 216 | 210,774 | 0 | 178 | 59,517 | 27,673 | 41.3% | 82.4% |
| July, 1994 | 25 | 21,029 | (9,778) | 29 | 4,855 | 2,545 | | | July, 1998 | 9 | 1,390 | 8 | 8 | 1,964 | 717 | | |
| Aug., 1994 | 43 | 447,922 | (1,137) | 41 | 7,950 | 1,603 | | | Aug., 1998 | 14 | 8,741 | 8 | 8 | 1,496 | 779 | | |
| Sept., 1994 | 52 | 137,635 | (1,793) | 35 | 6,781 | 1,048 | | | Sept., 1998 | 29 | 19,926 | 12 | 12 | 2,052 | 1,278 | | |
| Oct., 1994 | 49 | 31,207 | (1,282) | 40 | 3,283 | 1,048 | | | Oct., 1998 | 25 | 36,881 | 15 | 15 | 4,377 | 2,776 | | |
| Nov., 1994 | 57 | 19,777 | (13,260) | 32 | 6,507 | 2,845 | | | Nov., 1998 | 23 | 4,717 | 23 | 23 | 3,185 | 2,064 | | |
| Dec., 1994 | 68 | 38,191 | (8,238) | 46 | 4,423 | 2,831 | | | Dec., 1998 | 12 | 4,717 | 12 | 12 | 2,052 | 1,278 | | |
| Jan., 1994 | 38 | 38,131 | (8,238) | 32 | 4,423 | 2,831 | | | Jan., 1998 | 25 | 36,881 | 15 | 15 | 4,377 | 2,776 | | |
| Feb., 1994 | 68 | 38,191 | (8,238) | 46 | 4,423 | 2,845 | | | Feb., 1998 | 42 | 30,026 | 17 | 17 | 5,300 | 3,534 | | |
| Mar., 1994 | 31 | 29,072 | (2,482) | 35 | 6,781 | 1,048 | | | Mar., 1998 | 37 | 21,165 | 29 | 29 | 22,962 | 8,501 | | |
| Apr., 1994 | 23 | 11,653 | (1,65) | 16 | 4,315 | 3,808 | | | Apr., 1998 | 10 | 225 | 10 | 10 | 2,603 | 1,280 | | |
| May, 1994 | 45 | 31,008 | (2,986) | 18 | 2,630 | 1,025 | | | May., 1998 | 0 | 0 | 8 | 8 | 2,885 | 950 | | |
| June 1994 | 29 | 26,167 | (2,986) | 12 | 1,886 | 1,214 | | | June 1998 | 5 | 2,414 | 6 | 6 | 1,042 | 98 | | |
| Total FY 1995 | 534 | 437,347 | (26,049) | 374 | 49,726 | 29,543 | 18.1% | 70.0% | Total FY 1996 | 509 | 360,141 | (15,296) | 357 | 60,787 | 30,350 | 25.3% | 70.1% |
| July, 1995 | 0 | 0 | | 27 | 9,028 | 1,739 | | | July, 1996 | 40 | 71,894 | 32 | 32 | 5,250 | 2,948 | | |
| Aug., 1995 | 46 | 17,435 | (1,035) | 27 | 9,028 | 1,739 | | | Aug., 1996 | 32 | 5,363 | 32 | 32 | 6,255 | 3,784 | | |
| Sept., 1995 | 1 | 125 | | 21 | 2,093 | 2,049 | | | Sept., 1996 | 41 | 7,210 | 29 | 29 | 2,260 | 1,327 | | |
| Oct., 1995 | 122 | 206,244 | (2,720) | 29 | 2,720 | 2,262 | | | Oct., 1996 | 20 | 11,093 | 25 | 25 | 3,698 | 2,262 | | |
| Nov., 1995 | 55 | 22,124 | (10,151) | 62 | 10,151 | 6,383 | | | Nov., 1996 | 29 | 10,009 | 22 | 22 | 1,625 | 698 | | |
| Dec., 1995 | 49 | 18,607 | (4,781) | 32 | 4,781 | 2,803 | | | Dec., 1996 | 13 | 238,466 | 22 | 22 | 5,877 | 2,122 | | |
| Jan., 1995 | 50 | 13,815 | (5,297) | 36 | 5,297 | 3,473 | | | Jan., 1996 | 47 | 11,735 | 17 | 17 | 4,393 | 2,377 | | |
| Feb., 1995 | 33 | 24,937 | (3,417) | 38 | 5,778 | 3,417 | | | Feb., 1996 | 27 | 18,521 | 42 | 42 | 8,580 | 2,758 | | |
| Mar., 1995 | 30 | 14,917 | (3,422) | 36 | 6,035 | 3,422 | | | Mar., 1996 | 26 | 13,434 | 27 | 27 | 5,000 | 2,758 | | |
| Apr., 1995 | 23 | 11,007 | (3,422) | 36 | 3,942 | 2,020 | | | Apr., 1996 | 20 | 11,683 | 15 | 15 | 5,199 | 1,299 | | |
| May, 1995 | 45 | 31,008 | (2,986) | 24 | 2,790 | 1,182 | | | May., 1996 | 10 | 8,037 | 10 | 10 | 2,335 | 765 | | |
| June 1995 | 29 | 26,167 | (2,986) | 16 | 2,790 | 1,182 | | | June 1996 | 5 | 2,414 | 15 | 15 | 2,335 | 765 | | |

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE



James H. Jenkins Jr.
Secretary

98-279

CONTACT
504/765-2923

9/29/98

AMENDED AGENDA TO REPLACE 98-277 & 98-278

OCTOBER COMMISSION MEETING

The Wildlife and Fisheries Commission will hold its next regular meeting on Thursday, Oct. 1, 1998 at 10 a.m. The meeting is open to the public and will take place in the Louisiana Room at Department of Wildlife and Fisheries headquarters, 2000 Quail Dr., Baton Rouge.

The agenda follows.

1. Roll call
2. Approval of minutes of Sept. 3, 1998
3. Presentation of artificial reef check to Department by Union Pacific Resources
4. West Bay WMA - recognition of 50 year anniversary, Boise Cascade Corp.
5. Little River WMA expansion
6. Notice of Intent - seismic regulations
7. Resolution providing secretarial authority to reopen red snapper recreational season and set new closure date
8. Consideration of Mullet Permit transfer: Harry Frickey
9. Enforcement and Aviation reports/September
10. Division Reports
 - a. Damage assessment from Tropical Storm Frances and Hurricane Georges
 - b. reports on teal and dove hunting seasons
 - c. public comments - goose creeping and 1999 turkey season
11. Set February 1999 meeting date
12. Public comments
13. Jenkins et al. vs. Odom et al., 19th JDC (executive session)
14. Adjournment

September 29, 1998

NEWS RELEASE

APPROVED: 

AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, October 1, 1998, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of September 3, 1998
3. Presentation of Artificial Reef Check to Department by Union Pacific Resources
4. West Bay WMA - Recognition of 50 Year Anniversary, Boise Cascade Corp.
5. Little River WMA Expansion
6. Notice of Intent - Seismic Regulations
7. Resolution Providing Secretarial Authority to Reopen Red Snapper Recreational Season and Set New Closure Date
8. Consideration of Mullet Permit Transfer: Harry Frickey
9. Enforcement & Aviation Reports/September
10. Division Reports
 - a. Damage Assessment from Tropical Storm Frances and Hurricane Georges
 - b. Reports on Teal and Dove Hunting Seasons
 - c. Public Comments - Goose Creeping and 1999 Turkey Season
11. Set February 1999 Meeting Date
12. Public Comments
13. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
14. Adjournment

Reopen

Resolution to Give Sec. Authority
~~to~~ ~~for~~ Red Snapper Recreational
Season - ~~Secretarial Authority~~
AND SET New Closures Date
~~Closure~~

Harry Blanchet

ACTION/INFO

TO: _____

FROM: _____

DATE/TIME _____

SUBJECT: _____

☐ CONFIDENTIAL

☐ F Y I

☐ READ AND RETURN

☐ READ AND KEEP OR TRASH

☐ FOR APPROVAL

☐ SIGNATURE REQUESTED

☐ TAKE ACTION

☐ FORWARD

☐ TO SENDER

☐ TO _____

☐ MEMO: Referral -

~~Deduction of Emergency~~

~~Authorization Ref~~

~~Supper Requested~~

~~Season -~~

~~Secretariat Authority~~

September 29, 1998

NEWS RELEASE

APPROVED: 

AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, October 1, 1998, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of September 3, 1998
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 - b. Public Comments - Goose Creeping and 1999 Turkey Season
10. Set February 1999 Meeting Date
11. Public Comments
12. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
13. Adjournment

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
504/765-2923

98-274

9/25/98

AMENDED AGENDA
OCTOBER COMMISSION MEETING

The Wildlife and Fisheries Commission will hold its next regular meeting on Thursday, Oct. 1, 1998 at 10 a.m. The meeting is open to the public and will take place in the Louisiana Room at Department of Wildlife and Fisheries headquarters, 2000 Quail Dr., Baton Rouge.

The agenda follows.

1. Roll call
2. Approval of minutes of Sept. 3, 1998
3. Presentation of artificial reef check to Department by Union Pacific Resources
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5. Little River WMA expansion
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 - a. reports on teal and dove hunting seasons
 - b. public comments - goose creeping and 1999 turkey season
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12. Public comments
13. Jenkins et al. vs. Odom et al., 19th JDC (executive session)
14. Adjournment

-30-

September 24, 1998

NEWS RELEASE

APPROVED: 

AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, October 1, 1998, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of September 3, 1998
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 - a. Reports on Teal and Dove Hunting Seasons
 - b. Public Comments - Goose Creeping and 1999 Turkey Season
11. Set February 1999 Meeting Date
12. Public Comments
13. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
14. Adjournment

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 22, 1998

MEMORANDUM

TO: Chairman and *Members* of Commission
FROM: James H. *Jenkins*, Jr., Secretary
SUBJECT: October Commission Meeting Agenda

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, October 1, 1998, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of September 3, 1998
3. Presentation of Artificial Reef Check to Department by Union Pacific Resources

OFFICE OF WILDLIFE

4. West Bay WMA - Recognition of 50 Year Anniversary, Boise Cascade Corp.
5. Little River WMA Expansion

OFFICE OF FISHERIES

6. Notice of Intent - Amendments to Special Bait Dealer's Permit
7. Notice of Intent - Seismic Regulations

OFFICE OF MANAGEMENT & FINANCE

8. Consideration of Mullet Permit Transfer: Harry Frickey
9. Presentation of Revised Strategic Plan

Page 2
Commission Meeting
September 22, 1998

WINTON VIDRINE

10. Enforcement & Aviation Reports/September
11. Division Reports
 - a. Reports on Teal and Dove Hunting Seasons
 - b. Public Comments - Goose Creeping and 1999 Turkey Season
12. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
13. Set February 1999 Meeting Date
14. Public Comments

JHJ:sch

cc: Clyde Kimball
Jim Patton
Phil Bowman
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Division Chiefs

September 22, 1998

NEWS RELEASE

APPROVED: _____



AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, October 1, 1998, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of September 3, 1998
3. Presentation of Artificial Reef Check to Department by Union Pacific Resources
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5. Little River WMA Expansion
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11. Division Reports
 - a. Reports on Teal and Dove Hunting Seasons
 - b. Public Comments - Goose Creeping and 1999 Turkey Season
12. Set February 1999 Meeting Date
13. Public Comments
14. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
15. Adjournment

Hawkins, Susan

From: Foote, Karen
Sent: Monday, September 21, 1998 4:13 PM
To: Roussel, John E
Cc: Finley, Heather; Chase, John; Hawkins, Susan
Subject: Minerals Committee re Seismic rule?

I left a message for Mr. Hanchey, the Minerals chair, that the seismic rule was ready to go and that if he wanted to have the Minerals Committee consider it before the Commission did, he should contact Heather. I will be out for the next four days. I told him that I felt it was ready to go directly to the Commission, as there had been extensive interaction with the public over the past several months, but that the decision was up to him. I also told him that I understood that Mr. Gattle had not expressed a strong feeling one way or the other.

Thanks to everybody for all the thought and effort that has gone into this.

Ferald Hanchey will not be at the October
meeting. Mr. Gattle did not think a
Minerals Committee Meeting was necessary.
9/22/98

faxed 2:00PM

C O V E R



FAX

S H E E T

To: Tom Gattle
Fax #: 318-559-1524
Subject: Commission Agenda
Date: September 21, 1998
Pages: 3, including this cover sheet.

COMMENTS:

Please review the attached and then call me. Thanks.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

225-765-2806
Fax: 225-765-0948

, 1998

MEMORANDUM

TO: Chairman and Members of Commission
FROM: James H. Jenkins, Jr., Secretary
SUBJECT: October Commission Meeting Agenda

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, October 1, 1998, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of September 3, 1998
3. Presentation of Artificial Reef Check to Department by Union Pacific Resources

OFFICE OF WILDLIFE

- . West Bay WMA - Recognition of 50 Year Anniversary, Boise Cascade Corp.
- . Little River WMA Expansion

OFFICE OF FISHERIES

- . Notice of Intent - Seismic Regulations

OFFICE OF MANAGEMENT & FINANCE

- . Consideration of Mullet Permit Transfer: Harry Frickey
- . Presentation of Revised Strategic Plan

Page 2
Commission Meeting
, 1998

WINTON VIDRINE

- . Enforcement & Aviation Reports/September
- . Division Reports
 - a. Reports on Teal and Dove Hunting Seasons
 - b. Public Comments - Goose Creeping, 1999 Turkey Season and DMAP
- . Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
- . Set February 1999 Meeting Date
- . Public Comments

JHJ:sch

cc: Clyde Kimball
Jim Patton
Phil Bowman
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Division Chiefs

State of Louisiana



added: West Bay WMA -
Recognition of 50 year
Anniversary, Boise
Cascade Cop -
D. Morrison
9/18/98

James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 2, 1998

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-
Office of Wildlife, Assistant Secretary-Office of
Fisheries and Confidential Assistant

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - October 1, 1998

Please write on the bottom of this memo and return to Susan Hawkins by Thursday, September 17 any agenda items your office may have for the Thursday, October 1st Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 10:00 a.m. on October 1st. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman ✓
Bennie Fontenot
Karen Foote
Wynnette Kees
Lyle Soniat
Brandt Savoie

Agenda Items
Wildlife Div
Oct. 1 '98

None that require Comm. Action

*Will provide updates on Teal Season, Dove Season, and public comments on Goose Creeping, '99 Turkey Season and ~~DAMP~~. Division Reports will be used for hunting season reports and updates on Goose Creeping, Turkey Season, and ~~DAMP~~.

An Equal Opportunity Employer

H. Bateman

Hawkins, Susan

From: Boudreaux, Claude
Sent: Thursday, September 17, 1998 2:48 PM
To: Hawkins, Susan
Cc: Roussel, John E; Foote, Karen
Subject: Agenda items for October Commission meeting

As of this point we have two definite agenda items:

1. Presentation of Artificial Reef check to Department by Union Pacific Resources (UPR)
2. Proposed revision of the Seismic Regulations

*added: 9/22/98
NOI - Amendment to Special
Bait Dealer's Permit*

Hawkins, Susan

From: Foote, Karen
Sent: Friday, September 11, 1998 5:47 PM
To: Hawkins, Susan; Roussel, John E
Cc: Greeson, Cathy; Boudreaux, Claude
Subject: October agenda items

At this point all that I can confirm is that VDR would like to present an Artificial Reef check to the Department.

We may add changes to the shrimp bait dealer rule and a King mackerel minimum size limit change and a commercial king mackerel trip limit. I will get back with you as soon as possible.

Hawkins, Susan

From: Kees, Wynnette
Sent: Wednesday, September 09, 1998 11:12 AM
To: Hawkins, Susan
Cc: Patton, James; Jenkins, James
Subject: commission meeting agenda item

For the October 1 meeting, please put this on the agenda: presentation of revised strategic plan.

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 2, 1998

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-
Office of Wildlife, Assistant Secretary-Office of
Fisheries and Confidential Assistant

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - October 1, 1998

Please write on the bottom of this memo and return to Susan Hawkins by Thursday, September 17 any agenda items your office may have for the Thursday, October 1st Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 10:00 a.m. on October 1st. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

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JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine ✓
Hugh Bateman
Bennie Fontenot
Karen Foote
Wynnette Kees
Lyle Soniat
Brandt Savoie

Case Report

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 2, 1998

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-
Office of Wildlife, Assistant Secretary-Office of
Fisheries and Confidential Assistant

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - October 1, 1998

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JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot ✓
Karen Foote
Wynnette Kees
Lyle Soniat
Brandt Savoie

Dear Susan

9/14/98
I have no agenda items
for the October meeting. Thanks

Bennie
Fontenot

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster, Jr.
Governor

September 2, 1998

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-
Office of Wildlife, Assistant Secretary-Office of
Fisheries and Confidential Assistant

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - October 1, 1998

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JHJ/sch

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